

JANE DOE

VS.

THE METROPOLITAN GOVERNMENT OF NASHVILLE, et al.

---

**DR. ADRIENNE BATTLE**

**February 16, 2022**



**Max Curry, B.C.R., LCR, RPR, CRI, CCR**

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1 IN UNITED STATES DISTRICT COURT FOR TENNESSEE  
 2 FOR THE MIDDLE DISTRICT  
 3 NASHVILLE DIVISION

4 JANE DOE,  
 5 Plaintiff,  
 vs. Case No.  
 6 THE METROPOLITAN 3:20-cv-10023  
 GOVERNMENT OF NASHVILLE JURY DEMAND (6)  
 AND DAVIDSON COUNTY, Judge Trauger  
 7 TENNESSEE and DR. Magistrate Judge  
 HOLMES  
 ADRIENNE BATTLE. Lead Case

8 Defendants.

9 DR. LILY MORENO LEFFLER,  
 10 Plaintiff,  
 vs.

11 THE METROPOLITAN  
 GOVERNMENT OF NASHVILLE  
 AND DAVIDSON COUNTY,  
 12 TENNESSEE and DR.  
 ADRIENNE BATTLE.

13 Defendants.

14 DR. JAMES BAILEY,  
 DR. PIPPA MERIWETHER,  
 and DR. DAMON CATHEY,  
 15 Plaintiffs,

16 vs.

17 THE METROPOLITAN  
 GOVERNMENT OF NASHVILLE  
 AND DAVIDSON COUNTY,  
 18 TENNESSEE and DR.  
 ADRIENNE BATTLE.

19 Defendants.

20 Elite-Brentwood Reporting Services  
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1  
 2 A P P E A R A N C E S  
 3  
 4 For the Plaintiffs, Bailey, Leffler,  
 5 Meriwether and Jane Doe:  
 6 MS. ANN B. STEINER  
 Attorney at Law  
 7 Steiner & Steiner  
 8 613 Woodland Street  
 Nashville, TN 37206  
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9  
 10 For the Plaintiff, Cathey:

11 MS. JESSE FORD HARBISON  
 12 Attorney at Law  
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15  
 16 For the Defendants:

17 MR. J. BROOKS FOX  
 18 Attorney at Law  
 Department of Law  
 19 Metropolitan Courthouse, Suite 108  
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 20 Nashville, TN 37219  
 (615)862-6050  
 21 brooks.fox@nashville.gov

22 Also Present:

23 MS. EMMA SMITH, law intern;  
 24 MS. MARY CIEZADLO, Videographer  
 25 MR. JAMES LEJEUNE, Videographer

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Page 4

1  
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 8 Video Deposition of:  
 9 DR. ADRIENNE BATTLE  
 10 Taken on behalf of Plaintiffs  
 February 16, 2022

11 Commencing at 9:16 a.m. CST

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1  
 2 I N D E X  
 3  
 4 Examination  
 5 By Ms. Steiner  
 6  
 7 Examination  
 8 BY Ms. Harbison  
 9  
 10 E X H I B I T S  
 11 Exhibit No. 1  
 12 Jane Doe versus Metropolitan  
 13 Government, Nashville, Davidson  
 14 County, Tennessee, and Dr.  
 15 Adrienne Battle, First Amended  
 16 Complaint, Document 42, filed  
 17 9-1-21  
 18 Exhibit No. 2  
 19 Jane Doe's termination letter,  
 Bates stamped MG 001059  
 20  
 21 Exhibit No. 3  
 22 May 4th, 2020, Lily Leffler's  
 23 termination letter  
 24 Exhibit No. 4  
 25 Spreadsheet of ED scores  
 26  
 27 Exhibit No. 5  
 28 Executive Office of Diversity,  
 29 Equity and Inclusion job  
 30 description, Bates stamped MG  
 31 000550 through -552  
 32  
 33 Exhibit No. 6  
 34 Tennessee Code Annotated  
 35 49-5-511  
 36  
 37

		Page 5		Page 7
1	Exhibit No. 7	182	1	* * *
2	May 26, 2020, 5:00 p.m Board Agenda and packet, Metropolitan Board of Public Education Regular Meeting		2	
3			3	THE VIDEOGRAPHER: We are now on the
4	Exhibit No. 8	187	4	record. Today is Wednesday, the 16th of
5	May 4, 2020, letter of Dr. Bailey		5	February, 2022, and the time indicated on the
6	Exhibit No. 9	208	6	video screen is 9:16 a.m.
7	List of priority schools at Metro Nashville		7	This is the video deposition of Dr.
8	Exhibit No. 10	219	8	Adrienne Battle in the matter of Doe, et al,
9	List of Priority Schools in Metro Davidson County		9	versus Metropolitan Government of Nashville,
10	Exhibit No. 11	254	10	et al, Case Number 3:20-cv-01023, filed in the
11	May 19th, 2020, Metro Davidson County Schools budget		11	U.S. District Court for Tennessee for the
12	Exhibit No. 12	254	12	Middle District, Nashville Division.
13	June 30th, 2020, Metro Davidson County Schools budget		13	The deposition is being held today
14	Exhibit No. 13	262	14	at Metro Legal, Washington Square Building, at
15	May 27, 2020, e-mail exchange, Bates SchoolsEmails 0001484 through -1492		15	222 Second Avenue North in Nashville,
16	Exhibit No. 14	267	16	Tennessee.
17	February 2020/2021 Budget Proposal for Metro Nashville Public Schools		17	My name is James Lejeune, the
18	Exhibit No. 15	303	18	videographer; the court reporter is Max Curry,
19	Phased principal selection plan, Bates 00391 to -404		19	both in association with Elite-Brentwood
20	Exhibit No. 16	303	20	Reporting Services.
21	June 21st, 2019, letter from Dr. Battle to Dr. Steele, Bates 00520 to -521		21	Will counsel please introduce
22	Exhibit No. 17	304	22	yourselves and state whom you represent.
23	June 7th, 2020, letter from Dr. Cathey to Dr. Battle, Bates Plaintiff's 00530		23	MS. STEINER: My name is Ann Steiner,
24			24	and I represent Jane Doe, Pippa Meriwether,
25			25	James Bailey, and Lily Leffler, plaintiffs.
		Page 6		Page 8
1	S T I P U L A T I O N S		1	MS. HARBISON: My name is Jesse
2			2	Harbison, and I represent Dr. Damon Cathey.
3			3	MR. FOX: And my name is Brooks Fox,
4	The video deposition of DR. ADRIENNE		4	and I represent the defendants.
5	BATTLE was taken by counsel for the Plaintiffs,		5	THE VIDEOGRAPHER: Thank you. Will
6	by Notice, at the Law Offices of Metro Legal		6	Mr. Curry please swear in the witness.
7	Department, 222 Second Avenue N., Suite 600,		7	
8	Nashville, Tennessee, on February 16, 2022, for		8	
9	all purposes under the Federal Rules of Civil		9	
10	Procedure.		10	DR. ADRIENNE BATTLE,
11	All formalities as to caption, notice,		11	was called as a witness, and after having been
12	statement of appearance, et cetera, are waived.		12	first duly sworn, testified as follows:
13	All objections, except as to the form of the		13	
14	question, are reserved for the hearing, and		14	EXAMINATION
15	that said deposition may be read and used in		15	QUESTIONS BY MS. STEINER:
16	evidence in said cause of action in any trial		16	Q. Could you please state your full name
17	thereon or any proceeding herein.		17	for the record.
18	It is agreed that ROY M. CURRY, JR.,		18	<b>A. Adrienne Renee Battle.</b>
19	B.C.R., LCR, RPR, CCR, CRI, Bachelor's Degree		19	Q. And, Dr. Battle, you are the Director of
20	of Court Reporting, Notary Public and Court		20	Schools for Metro Nashville; is that correct?
21	Reporter for the State of Tennessee, may swear		21	<b>A. That's correct.</b>
22	the witness, and that the reading and signing		22	Q. Okay. And you were the interim before
23	of the completed deposition by the witness are		23	you became the director, correct?
24	not waived.		24	<b>A. Yes.</b>
25			25	Q. When did you become the Director of
				Schools?

1 A. The permanent director or the interim  
 2 director?  
 3 Q. Both.  
 4 A. The interim director in April of 2019,  
 5 and the permanent director in March of 2020.  
 6 Q. Did you have to interview for the  
 7 permanent position?  
 8 A. No.  
 9 Q. Okay. And it was the school board who  
 10 appointed you to that position permanently in  
 11 March, correct?  
 12 A. Correct.  
 13 Q. At the time you were appointed in March  
 14 of 2020, had you been sued personally for any  
 15 constitutional violations?  
 16 A. No.  
 17 Q. Okay. If you had been sued personally  
 18 for constitutional violations, do you -- did  
 19 -- would you believe that the school board  
 20 would have questioned you about those  
 21 lawsuits?  
 22 A. Can you repeat that question?  
 23 Q. If you had been sued for a  
 24 constitutional violation before you became the  
 25 permanent Director of Schools in March of 2020,

1 I'm not the person to make -- for the board  
 2 that makes that decision.  
 3 Q. Would you have wanted that on your  
 4 record going in to apply to be permanent  
 5 Director of Schools?  
 6 A. I don't think it would have -- I don't  
 7 think they would have -- it -- it's a matter,  
 8 but I don't think that it would have mattered  
 9 if it happened prior to.  
 10 Q. Okay. So, then, you do not believe the  
 11 school board would have been concerned about  
 12 you being sued personally for a constitutional  
 13 violation when they are considering appointing  
 14 you Director of Schools?  
 15 A. I think that all things should be  
 16 considered before an appointment of a Director  
 17 of Schools, but I also think it's important  
 18 that as an interim director or employee of our  
 19 organization that we, you know, follow through  
 20 and do what's necessary for the good of the  
 21 organization, so.  
 22 Q. Okay. So, do you think that if a claim  
 23 had been filed that you violated the civil  
 24 rights of someone, do you think that would  
 25 have hurt your chances to be Director of

1 if something had occurred when you were the  
 2 interim and you were sued for that, do you  
 3 think the school board would have questioned  
 4 you about the circumstances of that lawsuit  
 5 before appointing you permanent director?  
 6 MR. FOX: Objection to the form.  
 7 THE WITNESS: I'm not sure if they  
 8 would or if they would not have.  
 9 BY MS. STEINER:  
 10 Q. Is -- would a lawsuit, being sued  
 11 personally for a constitutional violation, is  
 12 that something that you would have not wanted  
 13 to have had happen before you became the  
 14 permanent Director of Schools?  
 15 A. I don't think that's something that, I  
 16 mean, you would ever want to have happen, but  
 17 if you're asking me -- I'm -- I'm not sure  
 18 exactly what you're asking, but it's -- it's  
 19 not something you would want to have happen.  
 20 But could it have happened? Yes.  
 21 Q. Do you think it may -- if you had been  
 22 sued for a constitutional violation, do you  
 23 think it may have affected your ability to  
 24 become the permanent Director of Schools?  
 25 A. That's hard for me to imply given that

1 Schools?  
 2 MR. FOX: Objection to the form.  
 3 BY MS. STEINER:  
 4 Q. Permanent Director of Schools?  
 5 A. I think all -- all -- all things should  
 6 be considered about an applicant for Director  
 7 of Schools. I think that -- again, all things  
 8 should be considered. I don't think that it  
 9 would have necessarily been, you know -- it  
 10 could have been a positive or a negative. I'm  
 11 -- but I don't think it -- I think all things  
 12 should have been considered for who did become  
 13 the permanent schools, but may not have been a  
 14 determining factor on who that individual was  
 15 and would have been selected.  
 16 Q. What day, do you recall the actual date  
 17 that you became the permanent Director of  
 18 Schools?  
 19 A. Good question. (Respite.)  
 20 I don't remember the exact date. It was  
 21 March, the week of us returning from the  
 22 tornado and having to transition our  
 23 instructional model due to the pandemic.  
 24 Q. Okay. So, it was sometime after the  
 25 tornado?

1 A. Yes.  
 2 Q. Okay. And I think the tornado, wasn't  
 3 that March 12th?  
 4 A. I do not remember the exact date.  
 5 MS. HARBISON: It was the 2nd.  
 6 MS. STEINER: The 2nd.  
 7 BY MS. STEINER:  
 8 Q. Okay. Do you know the -- I want to ask  
 9 you just a few questions about --  
 10 By the way, my name is Ann Steiner. I  
 11 represent the plaintiffs that were identified,  
 12 all except for Dr. Cathey. I'm going to ask  
 13 you a whole bunch of questions today.  
 14 If I get confusing with anything, just  
 15 stop me and I'll rephrase it. If you want to  
 16 add something to one of your responses later  
 17 on, feel free to do so. Okay? If you need to  
 18 take a break, take a break. That's fine too.  
 19 And, hopefully, this will not be all that  
 20 long.  
 21 What's the number of employees at Metro  
 22 Schools?  
 23 A. We employ over 11,000 employees.  
 24 Q. Okay. In fact, it's one of the largest  
 25 employers in the city, correct?

1 claims.  
 2 Q. How many did you have then?  
 3 A. I do not have a number that -- I would  
 4 rely on my HR department to give me the  
 5 estimate of how many are there.  
 6 Q. In the H -- in the Central, Central  
 7 Office --  
 8 A. Uh-huh.  
 9 Q. -- can you name one worker who you were  
 10 aware of who had a charge of discrimination  
 11 against Metro Schools for any reason or had  
 12 made one?  
 13 A. I'm -- I think the timeframe that Jenai  
 14 Hayes had one, and she was at the district  
 15 office during that time.  
 16 Q. Okay. Anybody else that you know of?  
 17 A. That was currently --  
 18 Q. Yes.  
 19 A. -- an employee? (Respite.)  
 20 I cannot recall any others at this  
 21 moment.  
 22 Q. Okay. Okay. And were you aware of any  
 23 employees who had sued -- were you aware of  
 24 any employees in Central Office who were kin  
 25 or related to a person who had sued for Title

1 A. Correct.  
 2 Q. Okay. And how many are in Central  
 3 Office?  
 4 A. I do not have that approximation or an  
 5 actual number of how many are in the Central  
 6 Office.  
 7 Q. Do you have any idea? Like, is it  
 8 several hundred? Is it a couple thousand?  
 9 A. I would imagine it's several hundred.  
 10 Q. Several hundred?  
 11 A. Uh-huh.  
 12 Q. Okay. And do you know of anyone that  
 13 was in Central Office in March, the Spring of  
 14 2020, who had sued, had a lawsuit pending  
 15 against Metro Schools or who had alleged a  
 16 violation of Title VII, Title VI, or a FERPA  
 17 violation?  
 18 A. Can you repeat that question, please?  
 19 Q. When you became the Director of Schools  
 20 in Spring of 2020, did you have knowledge of  
 21 anyone in Central Office who had sued Metro  
 22 Schools for -- or who -- who had alleged a  
 23 violation of Title VII, Title VI, any sort of  
 24 retaliation claim?  
 25 A. Yes, I'm generally kept abreast of those

1 VII violations or Title VI or any other title?  
 2 A. Can you repeat that?  
 3 Q. When you were the Director of Schools in  
 4 the Spring of 2020, meaning from, let's put it  
 5 from February through the end of the school  
 6 year 2020, were you aware of anyone in Central  
 7 Office who actually had a relative who had  
 8 filed a lawsuit against Metro Schools for some  
 9 form of -- of discrimination or retaliation?  
 10 A. Yes.  
 11 Q. Who was that?  
 12 A. I do know we had one employee, Lily  
 13 Leffler, who had a relative who sued the  
 14 district.  
 15 Q. Anybody else?  
 16 A. Not -- none that I can recall.  
 17 Q. Okay. In that same time period, the  
 18 Spring of -- of 2020 through the end of the  
 19 year, were you aware of anyone in the Central  
 20 Office who had made some sort of a  
 21 whistleblower claim about illegal activities  
 22 going on?  
 23 A. I'm sorry to keep asking this, but can  
 24 you repeat that question for me again?  
 25 Q. That's fine. That's fair game. Okay.

1 I'm not -- I'm not a real English person, so  
 2 that's my downfall. So, if I get confusing,  
 3 just let me know; I'll be happy to do so.  
**4 A. Sure.**  
 5 Q. In the -- the Spring of 2020 --  
**6 A. Uh-huh.**  
 7 Q. -- okay, meaning, from about March 1st  
 8 through the end of the school year 2020, were  
 9 you aware of anyone who worked in Central  
 10 Office who had made some sort of a  
 11 whistleblower claim that -- that anything was  
 12 going on illegal in Metro Schools who you were  
 13 aware of?  
**14 A. That filed a claim during that time or**  
**15 that had just had a claim at any point in**  
**16 time?**  
 17 Q. No. That had a claim who was actually  
 18 still there working in Central Office.  
**19 A. I don't know exact timeframe, but I do**  
**20 know of one other employee that might fall in**  
**21 that category.**  
 22 Q. And who is that?  
**23 A. Schunn Turner.**  
 24 Q. Okay. Okay. And what was her claim  
 25 about?

1 Dr. Cathey?  
**2 A. Yes, as the community superintendent he**  
**3 and I did have conversations about that.**  
 4 Q. Okay. And is it illegal to alter  
 5 grades?  
**6 A. No, it's not completely illegal to alter**  
**7 grades. We do have an administrative procedure**  
**8 by which an employee can offer opportunities**  
**9 for students to improve grades or for our**  
**10 grade factoring process. So, there is -- we**  
**11 do have an administrative procedure for**  
**12 altering grades.**  
 13 Q. Okay. Now, in the Spring of 2020, were  
 14 you aware of anyone in Central Office who had  
 15 -- let me strike that a second, okay.  
 16 So, Ms. Hayes, you were aware that she  
 17 had made a discrimination claim against the  
 18 school system, correct?  
**19 A. Yes. In my role, yes, I was aware.**  
 20 Q. And was that based on the "Let's Make a  
 21 Slave Lesson" that was taught at her son's  
 22 school?  
**23 A. If I remember correctly, yes.**  
 24 Q. Okay. And the allegation was that that  
 25 violated Title VI of the federal laws,

1 **A. Um... (Respite.)**  
 2 If I remember correctly, it was about  
 3 pay and kind of where titles were slotted and  
 4 her concerns about who was paid what. That's  
 5 -- that's one.  
 6 Other than that, I would have to defer  
 7 to my HR department on any other specific  
 8 details.  
 9 Q. Okay. Now, so then, Ms. Turner, was she  
 10 complaining about pay disparity between males  
 11 and females at Metro Schools?  
**12 A. I believe so.**  
 13 Q. Okay. And do you recall Dr. Cathey  
 14 complaining of -- of an -- an employee altering  
 15 the scores of the students?  
**16 A. Can you repeat that question?**  
 17 Q. Were you aware of Dr. Cathey --  
**18 A. Uh-huh.**  
 19 Q. -- Damon Cathey, complaining that a  
 20 teacher or principal was altering the scores  
 21 of the students?  
**22 A. I remember there was a principal**  
**23 allegation concerning grades and course**  
**24 credits for students.**  
 25 Q. And was that concern expressed to you by

1 correct?  
**2 A. I don't have the titles in front of me.**  
 3 Q. But it was one of those titles, correct?  
**4 A. I'm -- I'm not sure. I would have to go**  
**5 back and review that information --**  
 6 Q. Uh-huh.  
**7 A. -- but I do know the claim was around**  
**8 something, a lesson that had been at her**  
**9 child's school.**  
 10 Q. Okay. She thought it was discriminatory,  
 11 correct?  
**12 A. I can't put words in her mouth, but from**  
**13 the nature of the lesson it is possible that**  
**14 that was her claim.**  
 15 Q. Okay. And I'll get into this in more  
 16 detail later, but just right at the very  
 17 beginning, did you by any chance read what was  
 18 taught to the students?  
**19 A. Yes.**  
 20 Q. Did you think it was discriminatory?  
**21 A. I think the -- the lesson -- I do not**  
**22 think it was discriminatory. I think that it**  
**23 might have been not the most context-based,**  
**24 timely lesson for students, of which we**  
**25 followed up with the employees around.**

1 Q. Did you not find the language used to be  
 2 offensive?  
 3 A. I found the -- I don't think that I  
 4 would say I found the language offensive. My  
 5 responsibility is to make an instructionally  
 6 and timely lesson-decision assessment based  
 7 upon my review.

8 Q. (Attorney reviews document.) (Respite.)  
 9 Okay. We're going to go to our very  
 10 first share screen and see if it works.

11 A. Okay.

12 Q. Okay. Can you see the screen?

13 MR. FOX: Not yet. Hold on.

14 BY MS. STEINER:

15 Q. Okay. Dr. Battle, I've pulled up a  
 16 document and let me tell you, let's go to the  
 17 very top of the page and see what it is. It  
 18 says, "Jane Doe versus Metropolitan Government,  
 19 Nashville, Davidson County, Tennessee, and Dr.  
 20 Adrienne Battle, First Amended Complaint."  
 21 And this is the complaint with Jane Doe that I  
 22 filed on behalf of Jane Doe in this case.

23 And can you review this document and  
 24 then I want to ask you about one of the  
 25 paragraphs.

1 installed correctly, it will control the  
 2 slaves for at least 300 years.  
 3 Okay. And then it's called, "Let's Make  
 4 a Slave."

5 And do you see that? The next paragraph,  
 6 it says:

7 Let us make a slave. What do we  
 8 need? First of all we need a black man,  
 9 a pregnant woman, and her baby boy.  
 10 Second, we will use the same basic  
 11 principal that we use in breaking a  
 12 horse combined with some more sustaining  
 13 facts.

14 What we do with horses is that we  
 15 break them from one form of life to  
 16 another; that is, we reduce them from  
 17 their natural state in nature.

18 Do you not find that offensive?

19 A. I find that in the context of where this  
 20 paragraph was used that it could have been  
 21 deemed inappropriate for younger students to  
 22 encounter and to interact with.

23 Q. Do you find it offensive?

24 A. I find it to be inappropriate for our --  
 25 kind of our pacing of lessons and the context

1 MS. STEINER: I guess I have control,  
 2 don't I?

3 MR. FOX: Yeah, we -- we can't  
 4 scroll down. You'll have to.

5 BY MS. STEINER:

6 Q. Are you familiar with this document?

7 A. Can you -- can you scroll down?

8 Q. Yeah. (Attorney complies.)

9 A. (Witness reviews document.)

10 Are you asking me if I'm familiar with  
 11 the entire document?

12 Q. Yes. And I want to ask you just about  
 13 one paragraph.

14 A. Okay.

15 Q. Okay. Let's go back to paragraph 14.  
 16 Does this look -- the -- the complaint that  
 17 Ms. Hayes had was about a Willie Lynch speech,  
 18 correct?

19 A. Yes, I believe that is correct.

20 Q. Okay. And in paragraph 14 of the  
 21 complaint, we've put in what is contained in  
 22 that speech, and it says:

23 I have the foolproof method for  
 24 controlling your black slaves. I  
 25 guarantee every one of you that, if

1 and the age level of our students to be able  
 2 to understand what is being stated here.

3 Q. The question is a little different.

4 Personally, do you find that offensive?

5 A. Personally, I think... (Witness reviews  
 6 document.) (Respite.)

7 I mean, I -- again, I'm -- personally I  
 8 find it troubling that these types of  
 9 conversations and these approach -- approaches  
 10 were a part of our history.

11 Q. Do you find it offensive?

12 A. I find it to be personally  
 13 inappropriate. I find it -- I find it that --  
 14 I find it -- I wouldn't use the word  
 15 "offensive". I find it troubling that these  
 16 types of approaches and -- and conversations  
 17 are part of our history.

18 Q. Okay. So, you would not go so far to  
 19 say it's offensive to you?

20 A. I would not call it offensive. I think  
 21 it's inappropriate.

22 Q. Okay. And because you do know what the  
 23 term offensive means, correct?

24 A. Yes, I do.

25 MR. FOX: Objection to the form.

1 BY MS. STEINER:  
 2 Q. Okay. And so, then, when I'm asking you  
 3 'Do you find it offensive' and you're saying  
 4 'I find it inappropriate', I assuming you mean  
 5 by that I don't find it offensive; I find it  
 6 inappropriate. Is that what your response is?

7 MR. FOX: Objection to the form.

8 That's not what she said. She had a full  
 9 explanation.

10 **THE WITNESS: I find it to be  
 11 inappropriate.**

12 BY MS. STEINER:

13 Q. Do you -- do you find it offensive? Yes  
 14 or no --

15 MR. FOX: Objection to the form.

16 BY MS. STEINER:

17 Q. -- and then you can explain?

18 MR. FOX: Asked and answered.

19 **THE WITNESS: I find it  
 20 inappropriate based upon our history, and  
 21 particularly in the context of where it was  
 22 used with students.**

23 BY MS. STEINER:

24 Q. For my question, 'Do you find it  
 25 offensive', can you give me a "yes"/"no"

1 in this natural state. Hence, both the  
 2 horse and the black must be broken.  
 3 that is, breaking them from one form of  
 4 mental life to another: keep the body,  
 5 take the mind. In other words, break  
 6 the will to resist.

7 Take the meanest and most restless  
 8 black, strip him of his clothes in front  
 9 of others. The female and black infant,  
 10 tar and feather them and set them afire.

11 The next step is to take a bull  
 12 whip and beat the remaining males to  
 13 the point of death in front of the  
 14 female and the infant. Don't kill him,  
 15 but put the fear of God in him for he  
 16 can be useful for a future breeding.

17 What I've just read to you there, do you  
 18 find that offensive?

19 **A. Again, I find the text to be  
 20 inappropriate and -- and one of the -- you  
 21 know, when we think about our history, it's --  
 22 it's a tough part of our history, and -- and  
 23 communications and -- and texts that is out  
 24 there.**

25 **And so, as educators it's just our**

1 response?  
 2 **A. I don't find it offensive. I find it  
 3 inappropriate.**

4 Q. Thank you. Okay.

5 Now, for the second -- the -- like, the  
 6 one, two, three, fourth paragraph down, it  
 7 says:

8 For fear that our future?

9 generations may not understand the  
 10 principals of breaking both of the  
 11 beasts together, the black and the  
 12 horse. Accordingly, both a wild horse  
 13 and wild or natural black is dangerous  
 14 even if captured, for they will kill you  
 15 -- for they will have the tendency --  
 16 excuse me --

17 -- for they will have the tendency to  
 18 seek their customary freedom, and in  
 19 doing so might kill you in your sleep.  
 20 You cannot rest. They sleep while  
 21 you're awake and are awake while you are  
 22 asleep. They are dangerous near the  
 23 family house, and it requires too much  
 24 labor to watch them away from the house.  
 25 Above all, you cannot get them to work

1 **responsibility to make sure that our students  
 2 are interacting with appropriate texts given  
 3 the objectives of our lessons.**

4 Q. And do you think this was appropriate to  
 5 be taught to a fourth grader -- fourth grade  
 6 class at Metro Schools?

7 **A. I don't think this was the most  
 8 appropriate text to use.**

9 Q. Uh-huh. Okay.

10 And, once again, do you find it  
 11 personally offensive?

12 MR. FOX: Objection to the form.

13 **THE WITNESS: I find it  
 14 inappropriate.**

15 BY MS. STEINER:

16 Q. Okay. And I assume that means not  
 17 personally offensive, just inappropriate?

18 **A. My response is that I feel like it's an  
 19 inappropriate text.**

20 Q. Okay.

21 MS. STEINER: Now, at the -- just for  
 22 the record, this is at the very bottom of the  
 23 page it says, Document 42, filed September 1st,  
 24 '21, and we're going to make that Exhibit 1 to  
 25 the testimony today, to the deposition today.

1 MR. FOX: No objection.  
 2 (WHEREUPON, a document was marked as  
 3 Exhibit No. 1.)  
 4 BY MS. STEINER:  
 5 Q. So, then, in the Spring of -- in the  
 6 Spring of 2020, for the ones that you can  
 7 identify who were working at Central Office,  
 8 Jenai Hayes filed -- had -- had made a  
 9 complaint of discrimination under one of the  
 10 titles, whichever one it may be.  
 11 Lily Leffler was kin to a relative who  
 12 had sued Metro Schools.  
 13 Schunn Turner had complained of pay  
 14 disparity.  
 15 And Dr. Cathey had complained about a  
 16 problem with grading of the system, school  
 17 systems; is that correct?  
 18 **A. Those are ones that I am aware of.**  
 19 Q. Okay.  
 20 **A. Not to say that there couldn't be  
 21 others, but I am aware of those.**  
 22 Q. Okay. So that's -- that's what I want  
 23 to know.  
 24 So, in the Spring of 2020, these were  
 25 the ones you were aware of, correct?

1 **A. Uh-huh.**  
 2 Q. Okay. And so, these are the -- the --  
 3 the four that you can recall today, correct?  
 4 **A. Those are four that I am aware of.**  
 5 Q. Okay. Now... (Attorney reviews  
 6 document.)  
 7 How many schools do you have at Metro  
 8 Nashville? How many did you have in the Spring  
 9 of 2020?  
 10 **A. We -- not including some of our charter  
 11 schools, I want to say -- and I'm kind of  
 12 estimating here. We -- in the Spring of 2020  
 13 we probably had close to 140 schools, and  
 14 that's kind of an approximate.**  
 15 Q. How many were high schools?  
 16 **A. Oh, approximately 20, 24. 20 to 24.**  
 17 Q. If there is an issue in the high school,  
 18 a discipline issue in a high school, who has  
 19 the final authority of what type discipline  
 20 that is meted out to the worker?  
 21 **A. The Director of Schools makes final  
 22 recommendations, depending on the nature of  
 23 the discipline, they make the final  
 24 determination or recommend a disciplinary  
 25 action to the Board of Education.**

1 **A. No, I'm not suggesting that they were  
 2 the only ones --**  
 3 Q. Uh-huh.  
 4 **A. -- I am aware of. But again, I will  
 5 rely on my HR department for the -- the  
 6 specific documentation around which complaints  
 7 we had at that specific time.**  
 8 Q. But today in your deposition, these are  
 9 the ones that you can recall, correct?  
 10 **A. As a part of this depo -- deposition,  
 11 yes.**  
 12 Q. Okay. And can you think of anyone else  
 13 that worked in Central Office that would have  
 14 made any of these complaints that you knew  
 15 about then?  
 16 **A. My -- what I would have to look at is  
 17 when someone may have exited the organization.  
 18 We had -- we definitely had other complaints.**  
 19 Q. Uh-huh.  
 20 **A. But your specific question is, and they  
 21 were working at the Central Office at the time.**  
 22 Q. Yes, not -- I'm not interested in those  
 23 working at the school system --  
 24 **A. Uh-huh.**  
 25 Q. -- just at Central Office.

1 Q. Okay. Does the principal ever decide  
 2 what type of discipline to give to the workers  
 3 under him?  
 4 **A. There are some scenarios --**  
 5 Q. Uh-huh.  
 6 **A. -- where that is true. It depends on  
 7 the nature of the situation. So, sometimes  
 8 that lies with the principal. Sometimes it  
 9 could be the Director of Schools making that  
 10 determination or making a recommendation to  
 11 the Board of Education.**  
 12 Q. Okay. Now, associate superintendent, is  
 13 that a Central Office position or is that in  
 14 the schools?  
 15 **A. That's a Central Office position.**  
 16 Q. Okay.  
 17 **A. It was a Central Office position.**  
 18 Q. Okay.  
 19 **A. And as a matter of fact, it wasn't  
 20 associate superintendent. Those positions  
 21 were community superintendents.**  
 22 Q. And that's the one, is that the position  
 23 that Ms. -- Dr. Meriwether and Dr. Cathey had?  
 24 **A. They were once community superintendents.**  
 25 Q. And when Metro Schools is hiring someone

1 like a teacher, does -- do you know if HR  
 2 checks their license, if Metro Schools has the  
 3 ability to do that?  
**4 A. Could you repeat that question?**  
 5 Q. If you're hiring a teacher at Metro  
 6 Schools, do you check to see whether or not  
 7 they are certified?  
**8 A. When principals make recommendations for**  
**9 teacher hires --**  
 10 Q. Uh-huh.  
**11 A. -- they do work with HR to confirm their**  
**12 licensure status.**  
 13 Q. And who's responsible for doing that?  
**14 A. Human resources.**  
 15 Q. Okay. And is -- is there something  
 16 called a waiver that you can get to not have a  
 17 license?  
**18 A. There are various types of licensures**  
**19 that are out there --**  
 20 Q. Uh-huh.  
**21 A. -- that waive the initial requirements**  
**22 and allows an applicant to obtain the**  
**23 credentials needed for the position.**  
 24 Q. Do you have a lot of teachers who are  
 25 teaching in Metro Schools that are on waivers,

1 **have to rely on my HR department to respond to**  
**2 that question.**  
 3 Q. Okay. Do you know how it comes about  
 4 that a waiver is requested? I mean, does,  
 5 like, a principal say, I want this teacher in  
 6 the system; HR checks and then HR will say, We  
 7 need a waiver for this?  
**8 A. I would imagine typically there's some**  
**9 sort of application process or recommendation**  
**10 from the principal.**  
 11 Q. And do you know who would be the person  
 12 requesting the waiver? Would HR initiate that  
 13 or would someone else?  
**14 A. Yeah, again, I would rely on our HR**  
**15 department for the specifics --**  
 16 Q. Okay.  
**17 A. -- of that process.**  
 18 Q. Okay. And do you know, when they're  
 19 checking the license, is it -- is it true that  
 20 all the licenses are available to look at  
 21 online for all the teachers?  
**22 A. When they're processed, I believe**  
**23 they're able to be viewed online.**  
 24 Q. Okay. And do you know whether or not HR  
 25 has the ability with their software to review

1 or is that something that you don't really  
 2 want to do unless you have to? 'Cause I don't  
 3 know anything about it. I don't know how it  
 4 works.  
**5 A. I would have to rely on our HR**  
**6 department for specific numbers.**  
**7 Do we have teachers who are on waivers?**  
**8 Yes, I'm sure we do --**  
 9 Q. Uh-huh.  
**10 A. -- or some type of non-permanent**  
**11 licensure, but I would have to rely on the HR**  
**12 department for those specific numbers.**  
 13 Q. Do you know how that works?  
**14 A. I don't know the intimate details of how**  
**15 it works, but I do know that there's a process**  
**16 associated.**  
 17 Q. Do you know whether or not you have to  
 18 -- the school system has to basically affirm  
 19 that you are having difficulties hiring  
 20 teachers?  
**21 A. That process has -- changes frequently**  
**22 --**  
 23 Q. Uh-huh.  
**24 A. -- particularly in where we've been with**  
**25 the pandemic and -- and other places. I would**

1 the licenses and what they are for the  
 2 different applicants online?  
**3 A. Yes, to a degree I believe they can.**  
 4 Q. Do you know who's responsible for that?  
**5 A. Responsible for?**  
 6 Q. Checking the licenses of the applicants.  
 7 Do you know who in HR would be responsible for  
 8 that?  
**9 A. Who's a specific person --**  
 10 Q. Yes.  
**11 A. -- in Metro Nashville Public Schools?**  
 12 Q. Yes.  
**13 A. It falls to our HR department and based**  
**14 upon their structures --**  
 15 Q. Uh-huh.  
**16 A. -- and how they assign responsibilities.**  
**17 I don't have the specific person, but based**  
**18 upon their structure there is someone who**  
**19 would be responsible for that.**  
 20 Q. Okay. And because that's -- because  
 21 you're not going to just trust somebody saying,  
 22 I have a license. There's someone up there in  
 23 HR who actually checks to see whether or not  
 24 the person is properly licensed for the  
 25 position you're putting them in, correct?

1 A. So, going through the process, initially  
 2 the applicant is going to fill out their  
 3 information in our online system, and they  
 4 typically tell us what they have. That  
 5 information is in our system. Our principals  
 6 will interview, and then before or during or  
 7 after the process there is a verification  
 8 process with regards to licensure status.  
 9 Q. Okay. And someone in HR is responsible  
 10 for that verification, correct?  
 11 A. Well, the applicant is responsible for  
 12 submitting --  
 13 Q. Uh-huh.  
 14 A. -- the proper information and uploading  
 15 the information for the HR department to be  
 16 able to verify through the process.  
 17 Q. Okay. But someone in HR is responsible  
 18 for that verification?  
 19 A. No. Those verifications go to the State  
 20 Department of Education, so the State  
 21 Department -- we don't verify the licensure.  
 22 The State Department of Education does that.  
 23 Q. Okay. So, then, if someone comes in to  
 24 Metro Schools and says, I want to be a teacher  
 25 here, and they don't have the proper license

1 is verified that this employee does have this  
 2 license?  
 3 A. I mean, one example is if you're  
 4 submitting documentation for licensure, initial  
 5 licensure, that is a process that goes through  
 6 the State Department. There's documents from  
 7 the higher education institutions, so on and  
 8 so forth, the -- the granting body that goes  
 9 through the State that is a part of the online  
 10 system that when it is approved or posted that  
 11 can be viewed on that system.  
 12 Q. Okay. And it can be viewed at -- in the  
 13 HR department at Metro Schools that this  
 14 person has a certain license?  
 15 A. Yes.  
 16 Q. Okay. And your HR department does view  
 17 those documents to confirm that the teacher  
 18 does have the license, correct?  
 19 A. There -- there is an initial  
 20 verification process after the applicant has  
 21 gone through the process and/or been  
 22 recommended for a position.  
 23 Q. That occurs in HR, correct?  
 24 A. That is a part of the HR process.  
 25 Q. Okay. Now, if someone is transferring

1 but they say they do and it goes to your HR  
 2 department, your HR department doesn't check  
 3 the license at all? You send it all to the  
 4 State?  
 5 A. Everything goes through the State. The  
 6 State is --  
 7 Q. Uh-huh.  
 8 A. -- the verifying body of licensure.  
 9 Q. Okay. And do you send a document off to  
 10 the State to say, We want this verified?  
 11 A. It depends on the nature of where the --  
 12 Q. Uh-huh.  
 13 A. -- employee is and what the requirements  
 14 are. Again, I would have to refer to my HR  
 15 department --  
 16 Q. Uh-huh.  
 17 A. -- on all those specifics. But each  
 18 waiver, the timing, all of it has a specific  
 19 process by which an employee would need to  
 20 verify information, upload information, and  
 21 wait for verification from the State Department  
 22 of Education.  
 23 Q. Okay. If you're getting a verification  
 24 through the State Department of Education,  
 25 does it come back on a document that says it

1 to another position, does HR pull up the  
 2 employee file to see what license they have or  
 3 go online to see what their licenses are? Is  
 4 there someone responsible for that?  
 5 A. It is a part of the -- so, a position  
 6 can be -- as part of the hiring process or the  
 7 transfer process, we will, and along the way,  
 8 somewhere along the way verify that the  
 9 employee has the proper licensure to be in the  
 10 role that they're in.  
 11 Q. Okay. Do you ever look those up?  
 12 A. Typically my HR department does.  
 13 Q. Okay. But you have access to the -- the  
 14 license information as well, correct?  
 15 A. Yes, it's a public --  
 16 Q. Uh-huh.  
 17 A. -- website.  
 18 Q. Okay. Okay. Have you ever testified  
 19 before?  
 20 A. Yes.  
 21 Q. How many times?  
 22 A. Wait, let me go back. Testified as in  
 23 court or, like, doing a deposition?  
 24 Q. Let's do depositions first.  
 25 A. Deposition?

1 Q. Uh-huh.  
 2 A. **Yes, I've done a deposition.**  
 3 Q. How many times?  
 4 A. **Twice.**  
 5 Q. What cases?  
 6 A. **We -- a funding --**  
 7 Q. The BEP?  
 8 A. **The BEP.**  
 9 Q. Okay. That's pending in chancery court  
 10 right now? That's pending in court, the BEP  
 11 lawsuit?  
 12 A. **I don't know the legal terms around**  
 13 **where it is right now.**  
 14 Q. Okay.  
 15 A. **But that one, and then a -- a car**  
 16 **accident. Those are --**  
 17 Q. Okay. Not related to your job --  
 18 A. **No.**  
 19 Q. -- duties at Metro?  
 20 So, you testified in a deposition one  
 21 time. Have you ever testified in court?  
 22 A. **I've testified in deposition twice, and**  
 23 **one time in court.**  
 24 Q. Okay. And what was the in-court? Did  
 25 it have anything to do with your job at Metro

1 A. **They do not.**  
 2 Q. And has he ever worked for Metro  
 3 Schools?  
 4 A. **He has.**  
 5 Q. Okay. And when did he work for Metro  
 6 Schools?  
 7 A. **I do not have his start date, but he**  
 8 **worked in Metro Schools for several years up**  
 9 **until around 2016.**  
 10 Q. Okay. And then did he go to this other  
 11 company?  
 12 A. **No. He went to another school district.**  
 13 Q. What school district did he go to?  
 14 A. **Williamson County Schools.**  
 15 Q. Okay. And when did he leave Williamson  
 16 County School District, approximately?  
 17 A. **Approximately, I want to say 2019.**  
 18 Q. Okay.  
 19 A. **Could have been 2020, but I believe it**  
 20 **was 2019.**  
 21 Q. Okay. Now, do you have any family here  
 22 in Davidson County?  
 23 A. **Yes.**  
 24 Q. How many?  
 25 A. **Many. I'm born and raised in Nashville.**

1 Schools?  
 2 A. **No.**  
 3 Q. Okay. What type of a case did you  
 4 testify in?  
 5 A. **Let me -- let me go back. I want to**  
 6 **correct.**  
 7 Q. Okay.  
 8 A. **It was actually two in court, from a**  
 9 **divorce.**  
 10 Q. Okay. And the second one, what was  
 11 that? What type of case was that?  
 12 A. **In court?**  
 13 Q. Yes.  
 14 A. **It was a divorce and a car accident.**  
 15 Q. Okay. Now I want to ask you just a  
 16 little bit about your background.  
 17 Who -- what's your husband, what is his  
 18 name?  
 19 A. **Darren Kennedy.**  
 20 Q. And where does he work?  
 21 A. **He works for a, how do you -- an**  
 22 **educational program organization is the best**  
 23 **way to describe it.**  
 24 Q. Do they have any contracts with Metro  
 25 Schools?

1 Q. Okay. Now, do -- your brother, Coach  
 2 Battle, where does he currently work?  
 3 A. **He currently works at Knowledge**  
 4 **Academies.**  
 5 Q. And what is that?  
 6 A. **It's a charter school.**  
 7 Q. And is it connected to Metro?  
 8 A. **It is a charter school under our LEA.**  
 9 Q. Did he have to get -- do you know when  
 10 he began working at this charter school?  
 11 A. **I do not. I don't have a specific date**  
 12 **that I could give you.**  
 13 Q. Okay. Was it within the past year?  
 14 A. **Yes.**  
 15 Q. Okay. And where did he work before  
 16 that?  
 17 A. **Whitehouse Christian School.**  
 18 Q. And is that a private school?  
 19 A. **Yes.**  
 20 Q. And where did he work before that?  
 21 A. **He was probably in Metro Schools right**  
 22 **before that.**  
 23 Q. Okay. What's his position at the  
 24 charter school?  
 25 A. **Coach.**

<p>1 Q. And what sports?</p> <p>2 A. <b>I believe just basketball.</b></p> <p>3 Q. Does he teach any courses?</p> <p>4 A. <b>Not that I'm aware of.</b></p> <p>5 Q. Does he work -- it is a full-time job?</p> <p>6 A. <b>I'm not sure. I don't know the specifics of that.</b></p> <p>7 Q. Do you know if he handles any fund-raising for the school?</p> <p>10 A. <b>I'm not sure of his specific duties, other than that he is the basketball coach.</b></p> <p>12 Q. Okay. Now, if someone is hired by the charter schools that's under the umbrella of Metro Schools, does the hiring have to be approved by Metro Schools?</p> <p>16 A. <b>No.</b></p> <p>17 Q. Okay. Do you know who approved him being hired at this charter school?</p> <p>19 A. <b>I don't. The charters have their own hiring process.</b></p> <p>21 Q. Now, if someone is non-renewed in their job at Metro, are they eligible for rehire?</p> <p>23 A. <b>Yeah, there are circumstances where someone is non-renewed and are eligible for rehire.</b></p>	Page 45	<p>1 brother was eligible for rehire at Metro Schools?</p> <p>3 A. <b>You know, I don't -- I don't recall if he was not eligible or not.</b></p> <p>5 Q. Do -- were you aware that -- is -- is it legal for a board member to contact HR to ask that someone's status be changed from not eligible for rehire to make them eligible for rehire? Is that legal --</p> <p>10 MR. FOX: Objection to the form.</p> <p>11 BY MS. STEINER:</p> <p>12 Q. -- or ethical for a board member to have contact with a -- HR to try to change the status of someone?</p> <p>15 A. <b>Our board members receive questions and concerns all the time, and it is normal for them to reach out to ask questions for clarification on or support around a specific concern that has been brought to them from one of their constituents.</b></p> <p>21 Q. Okay. I'm just -- I'm just kind of asking you this, 'cause I -- I have no idea what the answer is.</p> <p>24 Is it ethical, though, does -- does --</p> <p>25 does Metro Schools have any sort of parameters</p>	Page 47
<p>1 Q. Okay. Can you tell me what those circumstances would be?</p> <p>3 A. <b>The status of non-renewed just means that in your current position you will not be rehired or recontracted for the next year.</b></p> <p>6 Q. Can -- is -- is there a certain category of past workers that are not eligible for rehire?</p> <p>9 A. <b>Can you ask that question again?</b></p> <p>10 Q. Does Metro Schools have some procedure where they can designate someone as being not eligible for rehire?</p> <p>13 A. <b>Yes, we do.</b></p> <p>14 Q. Okay. What -- how do you -- how does that work?</p> <p>16 A. <b>Those recommendations come from the supervisor or the school principal, and then are either -- I mean, that's typically where they come from. There's -- they're -- they're typically recommended based upon their direct supervisor.</b></p> <p>22 Q. And so, does the direct supervisor tell HR, This person is not eligible for rehire?</p> <p>24 A. <b>That's correct.</b></p> <p>25 Q. Okay. Do you know whether or not your</p>	Page 46	<p>1 around board members where you tell them, You can do this but you can't do this? Do you know?</p> <p>4 A. <b>I mean, our board members have a specific duty and role --</b></p> <p>6 Q. Uh-huh.</p> <p>7 A. -- in their positions. I think they --</p> <p>8 I don't think it's uncommon for a board member to reach out and ask questions, whether it be</p> <p>9 -- I mean, any department, including myself, for questions or concerns that have been</p> <p>12 raised to them.</p> <p>13 Q. Okay. What about not asking questions, but asking how to change a designation from not eligible for rehire to eligible for rehire?</p> <p>17 A. <b>I think it's appropriate for a board member to be aware of what that process is.</b></p> <p>19 Q. Okay. But is it appropriate for a board member to say, I would like for you to change a designation of not eligible for rehire to eligible for rehire for a person?</p> <p>23 A. <b>No, typically -- typically it's about kind of raising the question or sharing the concern that has been brought to them and</b></p>	Page 48

1 **advising them of what the process is.**  
 2 Q. Were you aware that a board member  
 3 contacted Chris Barnes about the designation  
 4 of your brother being changed from not  
 5 eligible for rehire to eligible for rehire?  
 6 **A. I'm aware that a board member asked him**  
 7 **about the process of that, yes.**  
 8 Q. Who was the board member?  
 9 **A. If I remember correctly, it was**  
 10 **Christiane Buggs.**  
 11 Q. And how do you know about this?  
 12 **A. I want to say Chris mentioned it to me.**  
 13 Q. And what did she tell you?  
 14 **A. What did he tell me?**  
 15 Q. What did -- "he"? Is -- is it a he?  
 16 **A. Yeah.**  
 17 Q. Mr. Buggs?  
 18 **A. Uh-huh.**  
 19 Q. What did he tell --  
 20 **A. No. Barnes.**  
 21 Q. What -- okay. A Mr. Barnes.  
 22 MR. FOX: There may be two different  
 23 Chrieses.  
 24 MS. STEINER: Yeah. True.  
 25 ///

1 Q. -- where he appealed whatever  
 2 disciplinary action was taken against him, but  
 3 when Chris Barnes was there did your brother  
 4 file any sort of request with Metro Schools to  
 5 have his designation as not eligible for  
 6 rehire changed to eligible?  
 7 **A. I don't recall.**  
 8 Q. Did you have any discussion with Chris  
 9 Barnes about why your brother was no longer at  
 10 Metro Schools?  
 11 **A. I don't know that we discussed why he**  
 12 **wasn't there. I mean, he's the HR manager, so**  
 13 **I'm sure he had access to lots of information.**  
 14 I am very clear with my team that  
 15 anything that involves a relative of mine, I  
 16 don't -- I don't manage. I allow somebody  
 17 else to manage on behalf of the District.  
 18 Q. Did you have any discussions with Ms.  
 19 Buggs about why she had contacted Chris Barnes  
 20 about this?  
 21 **A. No, I don't recall any discussions with**  
 22 **her.**  
 23 Q. Did you have any discussions with your  
 24 brother about this request from, or  
 25 conversation with Mr. Barnes?

1 BY MS. STEINER:  
 2 Q. So, what did Mr. Barnes tell you?  
 3 **A. That a board member reached out to**  
 4 **inquire about the process for that.**  
 5 Q. And what did you tell Mr. Barnes?  
 6 **A. That a board member is entitled --**  
 7 **entitled to knowing what the process is around**  
 8 **any employee, but I don't -- particularly when**  
 9 **it involves an HR matter, I don't insert**  
 10 **myself into that area. So, I told him it's**  
 11 **okay to give her the procedure around what**  
 12 **that process looks like.**  
 13 Q. And what is the process for changing  
 14 something from not eligible for rehire to  
 15 eligible?  
 16 **A. I mean, there is an appeals process by**  
 17 **the employee to kind of question the status of**  
 18 **their non-rehire status.**  
 19 Q. Do you know whether or not your brother  
 20 filed that with Metro Schools?  
 21 **A. I think he did go through an appeals**  
 22 **process.**  
 23 Q. Okay. And now, I'm not talking -- I've  
 24 got a copy of the transcript --  
 25 **A. Uh-huh.**

1 **A. No.**  
 2 Q. Okay. Okay. Do you know James Bailey?  
 3 **A. I do.**  
 4 Q. Okay. And do you think he's honest?  
 5 **A. (Respite.)**  
 6 I mean, I've had some concerning  
 7 conversations with him that reflect back to,  
 8 you know, questions around him being honest.  
 9 Q. Such as?  
 10 **A. We've had a previous conversation where**  
 11 **he and -- he asked me or I wanted -- he asked**  
 12 **me -- he told me that our previous supervisor**  
 13 **asked him if we were dating, and I was kind of**  
 14 **taken back and floored by his comments. And,**  
 15 **then, later he came back and told me he was**  
 16 **only kidding.**  
 17 And so, that's concerning to me when you  
 18 would either -- I mean, in that particular  
 19 situation that you would make something like  
 20 that up and suggest that it came from somebody  
 21 else, only to come back and tell me that it  
 22 wasn't true.  
 23 Q. Anything else?  
 24 **A. With regard -- with -- with regards to**  
 25 **honesty, I don't have a specific -- another**

1 example at this moment, but I will tell you  
 2 that one was very concerning to me.  
 3 Q. Okay. And when did that occur?  
 4 A. That occurred probably around 2015.  
 5 Q. Did you report it to anyone?  
 6 A. I did not. I didn't report it to any of  
 7 our supervisors, no.  
 8 Q. Okay. Do you think he was a good  
 9 employee?  
 10 A. I think Dr. Bailey was a long-time  
 11 employee of -- of MNPS, but I did have some  
 12 concerns around performance.  
 13 Q. And what were those?  
 14 A. The academic performance of our students  
 15 in particular.  
 16 Q. Anything else?  
 17 A. Well, more specifically, their ability  
 18 to achieve and grow at high rates with  
 19 students academically and behaviorally, and  
 20 just some kind of behavior SEL concerns of the  
 21 school as well.  
 22 Q. Okay. What were the behavior concerns  
 23 you had?  
 24 A. We -- there were lots -- there were  
 25 several incidents with students' behavior

1 roles as an employee with MNPS, so as a  
 2 principal and -- and thinking through for the  
 3 principal supervisor role to the colleague  
 4 role and to the supervisor role, there -- there  
 5 have been concerns.  
 6 Q. Did James Bailey ever report to you as a  
 7 worker in the hierarchy?  
 8 A. Indirectly, yes. Meaning, that in our  
 9 community superintendent structure, I was -- I  
 10 was responsible for the schools in the  
 11 southeast quadrant of our District. But I  
 12 also -- so that's kind of K-12 model.  
 13 I also had the responsibility of working  
 14 closely with all of our high schools across  
 15 the District. So, whenever we broke up by  
 16 tier, I worked with all the high schools and,  
 17 of course, he was a high school principal.  
 18 Q. Okay. You did not give him his  
 19 evaluations, correct?  
 20 A. That's correct.  
 21 Q. Okay. You've never given James Bailey  
 22 an evaluation, because you've never been  
 23 responsible for that, correct?  
 24 A. I've never been his evaluator.  
 25 Q. Okay. Pippa Meriwether, same thing,

1 where there -- maybe they had kind of ran the  
 2 gamut of our disciplinary policy.  
 3 Q. Such as?  
 4 A. Such as fighting, such as skipping. I  
 5 mean, the -- the codes that we have a part of  
 6 our student conduct in our handbook.  
 7 Q. Okay. Anything else with regard to the  
 8 students and Dr. Bailey?  
 9 A. Anything else in regards to?  
 10 Q. That you were concerned about?  
 11 A. Well, those were some of my main  
 12 concerns.  
 13 Q. Okay. Now... (Attorney reviews  
 14 document.)  
 15 What about Pippa Meriwether, what type  
 16 of an employee was she?  
 17 A. She was a long-time employee of MNPS as  
 18 well. I will say that I had concerns around  
 19 performance with Pippa as well. We had some --  
 20 we had some conversations about it, about where  
 21 we were and where we were trying to move our  
 22 District towards. And so, we've -- we've had  
 23 some conversations around some needs with her  
 24 performance as well. And -- and from the  
 25 gamut of -- I mean, I've been in multiple

1 you've never given her an evaluation, because  
 2 you weren't responsible for it, correct?  
 3 A. So, I was her supervisor for the year  
 4 that I was interim --  
 5 Q. Uh-huh.  
 6 A. -- director. But that year was also the  
 7 year the pandemic hit and interrupted  
 8 everything we were doing around -- I mean,  
 9 everybody knows the story of what happened  
 10 there. We had to send -- close our schools  
 11 for the last quarter of the school year. So,  
 12 I was her direct supervisor for one year.  
 13 Q. Okay. And that would have been from the  
 14 date of the closing of the schools?  
 15 A. 2019 to 2020.  
 16 Q. Okay. Okay. Now, and so, before the  
 17 2019 school year, you had no job supervision  
 18 over Dr. Meriwether, correct?  
 19 A. That's correct.  
 20 Q. Okay. And the same thing with Lily  
 21 Leffler, before the 2019/2020 school year you  
 22 had no supervision over her job performance,  
 23 correct?  
 24 A. I was not her direct supervisor.  
 25 Q. Okay. And who was her direct

1 supervisor?  
 2 **A. Her direct supervisor was Damon. Damon**  
**Cathey.**  
 3 Q. And who was Damon Cathey's supervisor?  
**4 A. For 2019/2020, it was myself.**  
 5 Q. Uh-huh.  
**6 A. Prior to that it was our chief of**  
**schools.**  
 7 Q. And who was that?  
**8 A. Sito Narcisse.**  
 9 Q. Okay. Okay. And the same thing for  
 10 Dr. Cathey, before the 2019/2020 school year,  
 11 you had no supervisory job responsibilities  
 12 with regard to him, correct?  
**13 A. Super -- yes, that's correct.**  
 14 Q. Okay. So, up until the year 2019, the  
 15 school performance, the job performance of,  
 16 someone else had those responsibilities for  
 17 Dr. Meriwether, Dr. Cathey, Dr. Bailey, Ms. --  
 18 Dr. Leffler; is that correct?  
**19 A. Someone else had the direct supervisory**  
**20 role, yes.**  
 21 Q. Okay. And somebody else -- you were not  
 22 in their line of supervision from being direct  
 23 supervisor or supervisor of the supervisor up

1 Cathey, and Dr. Leffler fell to someone other  
 2 than you?  
**3 A. Their direct supervisor is someone other**  
**4 than me.**  
 5 Q. Okay. And their supervisor of their  
 6 direct supervisor was someone other than you?  
**7 A. That's correct.**  
 8 Q. Okay. Same thing with Jenai Hayes, and  
 9 I'm going to call her Jane Doe throughout the  
 10 rest of this deposition. So, when I say Jane  
 11 Doe, you'll know I'm talking about Jenai Hayes;  
 12 is that correct?  
**13 A. Okay.**  
 14 Q. Can we do that? It makes it easier when  
 15 we're filing pleadings in this. Okay?  
**16 A. Uh-huh.**  
 17 Q. Jane Doe, you were not her supervisor,  
 18 correct?  
**19 A. I was not her supervisor.**  
 20 Q. Okay. And who was her supervisor?  
**21 A. Who was her direct supervisor?**  
 22 (Respite.)  
 23 I don't recall who her direct supervisor  
 24 was during that time.  
 25 Q. Okay. And do you know what her job

1 until 20 -- sometime in 2019, correct?  
**2 A. I was not their evaluator --**  
 3 Q. Okay.  
**4 A. -- up until 2019/2020.**  
 5 Q. Okay. And if there was any issues with  
 6 their job performance, someone other than you  
 7 would have had to address those problems,  
 8 correct?  
**9 A. Someone else other than me would have**  
**10 had to address?**  
 11 Q. Uh-huh.  
**12 A. Yes, within reason.**  
 13 Q. Okay.  
**14 A. So, it's important to note that there**  
**15 were four community superintendents and**  
**16 upwards of 12 to 15 executive directors. So,**  
**17 we did have norming sessions. We did talk**  
**18 about the role of the executive directors. We**  
**19 made changes together with those roles and**  
**20 responsibilities. So, there were still times**  
**21 for us to collaborate around all of the**  
**22 employees that were in that role to norm how**  
**23 we would supervise and evaluate.**  
 24 Q. But the job responsibility for actually  
 25 supervising Dr. Bailey, Dr. Meriwether, Dr.

1 performance was like as Director of School  
 2 Choice?  
**3 A. Yes. Because -- and again, I think it's**  
**4 important to note here that there is no role**  
**5 -- I mean, the -- the majority of our roles in**  
**6 MNPS, they don't work in silos. So, it's**  
**7 always important for us to cross collaborate**  
**8 on everything.**  
**9 So, I know of her job performance**  
**10 because the work that she was doing was**  
**11 directly with the schools that we supervise**  
**12 and work with.**  
 13 Q. Do you know what her job performance was  
 14 like in 2019/2020?  
**15 A. Are you referring to her evaluation or**  
**16 are you referring to general knowledge of her**  
**17 job performance?**  
 18 Q. Well, did she get an evaluation that  
 19 year?  
**20 A. Which year was it?**  
 21 Q. 2019/2020.  
**22 A. I believe that year we did -- we -- the**  
**23 State Department waived evaluations.**  
 24 Q. Okay. Is that because of the pandemic?  
**25 A. Correct.**

1 Q. Okay. And that's because -- so, then,  
2 there were no evaluations given out to any  
3 worker at Metro Schools, correct?

4 **A. I believe that was correct for that  
5 school year.**

6 Q. Okay. And the evaluations are used to  
7 tell the workers where they may be having  
8 issues and where they be -- may be excelling,  
9 correct?

10 **A. Correct, as to provide that information.**

11 Q. Uh-huh. Okay. And none of the  
12 employees were given any evaluations that  
13 year, correct?

14 **A. No, that would not be accurate.**

15 Q. Uh-huh.

16 **A. There -- there was -- in some roles,  
17 depending on the frequency and the State  
18 requirements for evaluations, there could have  
19 been some information leading up to, but we  
20 did not finish nor finalize those evaluations  
21 as a result of the pandemic.**

22 Q. Okay. So, you have no idea what Dr.  
23 Bailey, Dr. Meriwether, Dr. Cathey, Dr. Jenai  
24 -- Jane Doe's, or Dr. Leffler's supervisors  
25 would have put in the evaluations about them?

1 **pandemic hit. But did I have ongoing  
2 conversations with the -- those employees  
3 around concerns or needs? Absolutely.**

4 Q. Who? When?

5 **A. So, I met with the community  
6 superintendents frequently, because I was  
7 their direct supervisor, to provide updates,  
8 but to also provide feedback around where we  
9 were as an organization and what needs need to  
10 be made, and specifically what adjustments  
11 they needed to make.**

12 Q. Okay. So, did -- my question's a little  
13 different.

14 Did you ever sit down with Dr. Meriwether  
15 and say, I'm not happy with your job  
16 performance because of X, Y, and Z?

17 **A. We didn't have that specific  
18 conversation, but we had specific conversations  
19 around a challenge or concern that was brought  
20 to my attention.**

21 Q. And what was that challenge or concern  
22 that was brought to your attention?

23 **A. I mean, several. I mean, we -- there  
24 were meetings where we were in and I was  
25 asking for information and just follow-through**

1 **A. No, that's not accurate. If we're  
2 talking about the 2019/2020 year?**

3 Q. Uh-huh. Uh-huh.

4 **A. That would not be accurate.**

5 Q. Okay.

6 **A. That would not be accurate, because  
7 during that particular school year I was the  
8 direct supervisor for Pippa and for Damon and  
9 -- for Pippa and for Damon. And because of  
10 our cabinet and chief structure, I was  
11 provided updates around performance and where  
12 our principals were in particular.**

13 Q. Okay.

14 **A. I also met frequently with the community  
15 superintendents at -- at the time around the  
16 performance of their executive director. So,  
17 it wasn't that we didn't have any knowledge.  
18 We had knowledge. We just did not finalize  
19 the formal evaluation system.**

20 Q. Okay. So, it wasn't where you -- did --  
21 did you at any point in 2019/2020 sit down  
22 with any of these plaintiffs and say, I'm not  
23 happy with your job performance; you're not  
24 doing well with X, Y, or Z?

25 **A. We had not come to that point before the**

1 **on our District's initiatives, and our -- one  
2 time Damon Cathey said to me, I asked him, I  
3 referred back to our district memo. We sent  
4 out a memo every week to keep everybody up to  
5 date around where we were.**

6 **And he was questioning something. I  
7 said, I don't -- I don't understand the  
8 question, because that just was in our  
9 principal memo, and in that memo it required  
10 us to do X, Y, and Z.**

11 **His response to me was, Well, I don't  
12 read those.**

13 **And I said to him, I expect for you to  
14 read those. That's a part of your job  
15 responsibility to read those in order to have  
16 progressed to where we needed to be today. I  
17 mean, that's one example.**

18 **There was an example where -- I mean, I  
19 had an example with Pippa and Damon where they  
20 were recommending disciplinary action for two  
21 different employees that it's my responsibility  
22 -- it's my responsibility as the -- as the  
23 director to take that information and dig into  
24 it, where I had to coach them around where  
25 they did not follow through on the**

1 expectations for coaching and supporting those  
2 principles. We had those conversations.

3 We had conversations, I had a  
4 conversation with Pippa where we all met as a  
5 team and agreed that when we broke out into  
6 our groups, here's the expectations for every  
7 quadrant. I had to call Pippa because her  
8 principals were calling me saying that they  
9 were asking them do -- to do something  
10 different than what I asked them to do.

11 So, these are all examples of  
12 conversations that we had along the way. I  
13 called Pippa and had that conversation with  
14 her. So, we had frequent conversations about  
15 -- around my concerns with their follow-  
16 through, with their job performance.

17 I had a conversation with -- with Damon  
18 around some concerns that was coming to me  
19 around one of his direct reports, and I -- I  
20 needed to know if he was going to be able to  
21 coach and work her through that.

22 I had a specific school example where,  
23 particularly in Damon's quadrant, that I was  
24 getting a lot of complaints from teachers and  
25 board members around what was going on in the

1 produced in this case by Metro Schools, and we  
2 have taken the time to tediously go through  
3 all of them, and there's not a single e-mail,  
4 a single note, a single anything dealing with  
5 anything with the job performance with these  
6 plaintiffs. Did you know that?

7 A. I know that it's possible that there's  
8 not any documentations that I've produced,  
9 because it's important for me to communicate.

10 See, there -- there are no -- my style  
11 of leadership is that I'm going to communicate  
12 with you, within reason, where my concerns  
13 are, understanding that I have to keep the  
14 mission of the organization moving forward.  
15 And so, there -- there is, within reason,  
16 times and opportunities for me to provide that  
17 coaching and that feedback.

18 Again, I -- in -- during this time it  
19 was important for me as a director, interim  
20 director during that particular year, for me  
21 to be as close as possible to our principals,  
22 what was happening in schools, and to be a  
23 support to our community superintendents.

24 Q. Dr. Battle, you didn't keep a single  
25 document and you don't have a single document,

1 school, and unfortunately the executive  
2 director nor the community superintendent  
3 could manage the situation, and so I  
4 personally had to go out and manage the  
5 situation and to bring another department in  
6 to support. We had those conversations around  
7 my concerns.

8 We had community meetings where as the  
9 community superintendents, I expected for them  
10 to be able to manage. They were not managed  
11 well. I gave that feedback as well. So, we  
12 had various points in times where I provided  
13 that feedback, particularly to my direct  
14 reports during the 2019/2020 school year.

15 Q. Okay. As the Director of Schools, do  
16 you understand the importance of keeping  
17 documentation about what happens at the  
18 schools?

19 A. Do I?

20 Q. Do you -- do you think documentation's  
21 important?

22 A. I mean, within reason I think  
23 documentation is important.

24 Q. Okay. Because there have been tons,  
25 over a hundred thousand documents and e-mails

1 you didn't make a single document that deals  
2 with the job performance of any of these  
3 plaintiffs, correct?

4 A. I will not say that's correct. I would  
5 -- I haven't gone back to do that type of  
6 review.

7 Q. We have asked for all documents relevant  
8 to this.

9 Are you telling me today in your  
10 deposition that you may have documents out  
11 there that are written that set forth problems  
12 with the job performance of any of these  
13 plaintiffs that you have not given to your  
14 counsel yet?

15 A. No. What I'm telling you is, that I  
16 have not reviewed what you're referring to. I  
17 haven't reviewed the -- all the documents that  
18 you're now referring to, nor do I have them in  
19 front of me to see.

20 Q. Okay. So, you're saying that perhaps  
21 there are some documents produced that we just  
22 missed?

23 A. No. What I'm saying to you is that I'm  
24 not looking at the documents that you're  
25 referring to.

1 Q. Okay. Well, take my -- let's do it this  
 2 way. There were over 98,000 documents  
 3 produced, and I'm not going to sit there -- it  
 4 would take you a week to go through them all.  
 5 Okay?

6 But we have gone through them. We've  
 7 taken the time to go through them. And so, I  
 8 have not seen any related to this, any  
 9 disciplinary issues.

10 And can you recall today specifically  
 11 writing out any document that's related to a  
 12 disciplinary issue with any of the plaintiffs?

13 A. I don't recall that at --

14 Q. Okay.

15 A. -- at this moment. But it's also  
 16 important to note that the official evaluation  
 17 system for that year was waived.

18 I also want to point out that we were in  
 19 a year of shifting where I was taking on  
 20 double role as the Director of Schools, not  
 21 having a Chief of Schools, to supervising our  
 22 community superintendents.

23 Q. Okay. That year too, was the testing  
 24 for the school children, the students waived?

25 A. Yes, it was.

1 A. Yes.  
 2 Q. Okay. And you knew Dr. Garcia had sued  
 3 the district for hostile work environment and  
 4 retaliation, correct?

5 A. If those are her claims, yes.

6 Q. Okay. And did you know that Dr. Garcia  
 7 claimed her position was eliminated due to the  
 8 budget within months of she -- her complaining  
 9 she was sexually harassed by Moe Carrasco?

10 A. Can you repeat that question for me?

11 Q. Did you know that Dr. Garcia claimed  
 12 that her job position with Metro Schools was  
 13 eliminated due to the budget within months of  
 14 her complaining of harassment, sexual  
 15 harassment by Moe Carrasco?

16 A. Again, I don't remember all the  
 17 specifics and details of that. I would rely  
 18 on our HR team to answer. But I do recall  
 19 some allegation around her position and her  
 20 not being in the position as a result of the  
 21 allegations.

22 Q. Did you know her job was eliminated due  
 23 to the budget?

24 A. I'm -- I am aware that that particular  
 25 position no longer exists in the district.

1 Q. Okay. And so, and what was the testing  
 2 that was waived?

3 A. We did not take TN Ready that particular  
 4 year. Of course, everyone remained virtual for  
 5 the remainder of that school year.

6 Q. What's TN Ready?

7 A. It's our State -- State standard  
 8 assessment.

9 Q. Does it go by anything else, any other  
 10 symbols?

11 A. It -- TN Ready is an umbrella. Some  
 12 people refer to it as TCAP.

13 Q. TCAP. Okay.

14 And so, then, and is that the testing  
 15 that's done to see where the students, how  
 16 much they've learned that year and where they  
 17 are?

18 A. I mean, in a standardized way, yes.

19 Q. Uh-huh. Okay. And so, then, across  
 20 Metro Schools no one took those TCAP tests for  
 21 the year 2019 to 2020 school year?

22 A. That's correct.

23 Q. Okay. And in the Spring of 2020, you  
 24 knew Dr. Leffler was kin to Dr. Garcia,  
 25 correct?

1 Q. Did you know it was eliminated due to the  
 2 budget?

3 A. I don't know that I was aware of those  
 4 specific details. Again, I was not the  
 5 Director of Schools at that time, and I don't  
 6 go back and scrutinize their decisions.

7 Q. Have you ever -- have you ever  
 8 questioned anyone at Metro Schools about Dr.  
 9 Leffler and whether or not she's -- could be  
 10 loyal to Metro Schools because of her cousin's  
 11 case or her relative's case?

12 A. No, I do not recall such a conversation.

13 Q. So, then, if someone says that you asked  
 14 them, Do you think Dr. Leffler is loyal to the  
 15 system because of Dr. Garcia's case, that's  
 16 not true?

17 A. No.

18 Q. Okay. Do you think it would be  
 19 inappropriate to question anyone about Dr.  
 20 Leffler's loyalty because of her relative's  
 21 case?

22 A. No.

23 Q. Do you know you can't retaliate against  
 24 someone because they're related to a person  
 25 who engaged in protected activity?

1 **A. Ask me that question again?**  
 2 Q. Did you know that you cannot retaliate  
 3 against someone who's related to someone who  
 4 engaged --  
 5 **A. Yeah.**  
 6 Q. -- in protected activity?  
 7 **A. Uh-huh.**  
 8 Q. Okay. And did you know that in the  
 9 Spring of 2020?  
 10 **A. Did I know what?**  
 11 Q. That you cannot retaliate against  
 12 someone who engages in protected activity?  
 13 **A. Yes.**  
 14 Q. Okay. Now... (Attorney reviews  
 15 document.)  
 16 MR. FOX: Ms. Steiner, off the  
 17 record a second.  
 18 MS. STEINER: Yeah.  
 19 THE VIDEOGRAPHER: We are off the  
 20 record at 10:29 a.m.  
 21 (Short break.)  
 22 THE VIDEOGRAPHER: We are on the  
 23 record at 10:42 a.m.  
 24 BY MS. STEINER:  
 25 Q. Dr. Battle, when you were appointed

1 **A. I don't know. I'm sure -- I mean, we**  
 2 **are in very public positions around what we do**  
 3 **and our performance and things of that nature,**  
 4 **so it's not uncommon for someone to know**  
 5 **educators, principals, directors without**  
 6 **knowing them personally.**  
 7 Q. And Ms. Buggs contacting Chris Barnes  
 8 about your brother, would you agree that that  
 9 is not related to her school board typical  
 10 duties?  
 11 **A. No, I mean, I think school board**  
 12 **members, I even get phone calls sometimes from**  
 13 **school board members about employees and**  
 14 **wanting to know their status and procedure and**  
 15 **what they can tell them they should be doing**  
 16 **if they have a particular concern. So, I**  
 17 **don't think it's uncommon.**  
 18 Q. Okay. Now, and I don't have the  
 19 policies in front of me, but -- but is it true  
 20 that -- that Metro Schools does have a policy  
 21 that prohibits retaliation?  
 22 **A. I -- again, I don't have the policies in**  
 23 **front of me either --**  
 24 Q. Uh-huh.  
 25 **A. -- but I'm sure we have something**

1 interim director, was it a unanimous vote from  
 2 the school board?  
 3 **A. Yes.**  
 4 Q. Okay. You can't recall anyone not  
 5 voting for you on that?  
 6 **A. No. I recall the -- one of the board**  
 7 **members making a comment afterwards that just**  
 8 **to remind me around -- around just kind of how**  
 9 **things work as far as board votes and**  
 10 **decisions are concerned.**  
 11 Q. Do -- do you know the Ms. Boggs who's on  
 12 the board of directors, Ms. Boggs? Buggs?  
 13 **A. Oh, yes, I do.**  
 14 Q. Okay. And how well do you know her? Is  
 15 she a friend?  
 16 **A. No, we've -- we've not known each, other**  
 17 **than through board/director relations.**  
 18 Q. And does your brother know Ms. Buggs?  
 19 **A. No, I don't think so. I don't think,**  
 20 **you know, outside of just MNPS work, no, I**  
 21 **don't think so.**  
 22 Q. So, if he doesn't know Ms. Buggs and you  
 23 really don't know her that well, how did -- do  
 24 you know how Ms. Buggs came to call Chris  
 25 Barnes about your brother?

1 **related to that --**  
 2 Q. Uh-huh.  
 3 **A. -- in our -- in our policies.**  
 4 Q. And do you have a disciplinary policy?  
 5 **A. We have a -- a disciplinary**  
 6 **administrative procedure.**  
 7 Q. Okay. And if you are having problems  
 8 with a principal that persists, do you know  
 9 whether or not the supervisor needs to  
 10 document the problem and then if it continues  
 11 then they start to write them up?  
 12 **A. There are certain scenarios where that**  
 13 **would be true, but they can also use other**  
 14 **forms of -- of documentation that they don't**  
 15 **have to create themselves. So, we get data**  
 16 **reports. We get attendance reports. We get**  
 17 **reporting that also helps with the**  
 18 **conversations to move things forward.**  
 19 Q. Okay. What is the disciplinary policy  
 20 for principals at Metro Schools?  
 21 **A. The disciplinary for a, like, that a**  
 22 **principal would go through or that a principal**  
 23 **would use on an employee?**  
 24 Q. That a principal would go through.  
 25 **A. For themselves?**

1 Q. Yes.  
 2 A. If there's something that rises to  
 3 disciplinary action, there are lots of ways,  
 4 depending on the -- the incident or the nature  
 5 of the challenge.  
 6 There are counseling memos. There are  
 7 reprimands. There are recommendations for  
 8 leave. There are leave or suspension. There's  
 9 recommended for termination. There's also  
 10 abilities to non-renew a contract. So,  
 11 multiple paths available based upon the nature  
 12 of the concerns.  
 13 Q. Okay. Now, if a contract is not  
 14 renewed, typically is that because of some  
 15 sort of a performance issue?  
 16 A. I mean, it's inclusive -- it could also  
 17 include a performance issue, yes.  
 18 Q. Okay. What are some of the other  
 19 reasons that you would non-renew a contract if  
 20 it's not performance?  
 21 A. You could have a situation where there's  
 22 just not a good fit, right, where the skill  
 23 sets of the individual might not align to the  
 24 needs of that particular school, department,  
 25 learning community. That's just one other

1 typically going to be some specific examples  
 2 given. And when you're talking about kind of  
 3 a non-renewal of a contract or a transfer or  
 4 moving them to another role, you -- you -- you  
 5 would do that within reason, because you would  
 6 want to still be able to advance the mission  
 7 of the organization.  
 8 And so, the whole point is that there is  
 9 a concern or some issues, but we also might  
 10 see opportunities for you to lead in a  
 11 different capacity. And so, I think you --  
 12 we've got to be very balanced in our approach  
 13 with that feedback and -- and why or why not,  
 14 you know, a decision may be -- may be made.  
 15 Q. Okay. But when you're trying to make  
 16 these decisions, it's in the hopes that the  
 17 worker will go from one position where you  
 18 don't think they're doing a good job to a  
 19 position where they will do a good job,  
 20 correct?  
 21 A. Well, your -- your hope is that the  
 22 employee will, you know, reflect also on their  
 23 skill set and where they can have potentially  
 24 the greatest impact and give them the  
 25 opportunity to apply for other roles within

1 example.  
 2 Q. Okay. What -- any other examples you  
 3 can give me for why you would non-renew a  
 4 contract?  
 5 A. It could be non-renewed due to  
 6 performance. It also could be a response to a  
 7 disciplinary action.  
 8 Q. Okay. Any other reason that a contract  
 9 would be non-renewed?  
 10 A. I mean, there -- there was multiple.  
 11 I'm... (Respite.)  
 12 Q. Uh-huh. Okay, so it would be, you would  
 13 not renew a contract if it's just not a good  
 14 fit, you have disciplinary problems with the  
 15 worker would be another reason, and then just  
 16 performance disciplinary actions, correct?  
 17 A. Just a few examples, yes.  
 18 Q. Okay. Now, when you're dealing with a  
 19 worker and you're telling them why that they  
 20 are not -- that -- that they're losing their  
 21 job, do you have a duty for being honest with  
 22 them about the reason?  
 23 A. Yeah, with -- within reason. So, when  
 24 you're talking about -- you know, if you're  
 25 talking about termination, I mean, there's

1 the organization.  
 2 Q. Okay. And so, to help the worker do  
 3 their best, is it correct that you try to tell  
 4 them the deficits that they had in the prior  
 5 job and why you are not -- you're -- you're  
 6 transferring them or moving them from that job  
 7 to another job?  
 8 A. Within reason. I mean, if -- if it's  
 9 something that doesn't rise to a level of  
 10 termination or disciplinary action, you might  
 11 have less of that. You might be --  
 12 Q. Uh-huh.  
 13 A. -- making a decision on the -- in the  
 14 best interest of the organization --  
 15 Q. Uh-huh.  
 16 A. -- and helping that employee reflect and  
 17 make a different determination around their  
 18 next --  
 19 Q. Uh-huh.  
 20 A. -- step or path as a professional.  
 21 Q. Okay. But you're not going to tell them  
 22 a lie? You're not going to lie to them about  
 23 the reason, correct?  
 24 A. I -- I would agree with that.  
 25 Q. Okay. And the reason that you do give

1 them, you try to be honest with it?  
 2 **A. You try to be honest with it if -- you**  
 3 **know, with the information that you're**  
 4 **sharing.**

5 Q. Okay. Now, if not for the budget, would  
 6 any of these plaintiffs have lost their jobs?

7 **A. If not for --**

8 Q. For the budget.

9 MR. FOX: Objection to the form.

10 BY MS. STEINER:

11 Q. If not for budget issues that you were  
 12 having in the end of Spring of 2020, would any  
 13 of these plaintiffs have lost their job --

14 MR. FOX: Objection to the form.

15 BY MS. STEINER:

16 Q. -- or been transferred?

17 **A. Yeah, so, as I explained earlier, I had**  
 18 **concerns about performance. I had that ahead**  
 19 **of the budget. Concerns, again, from many**  
 20 **different angles, again, not just as a direct**  
 21 **supervisor, but as a colleague, as someone who**  
 22 **supervised or worked under these individuals.**

23 **So, I had my concerns about performance.**

24 **And then when we had to move into the**  
 25 **budget cuts, I -- I weighed out lots of**

1 Q. Okay. Let me ask my question again.  
 2 Who? Names? Who would not have continued in  
 3 their role of these plaintiffs if not for the  
 4 budget?

5 **A. So, I want to be clear, because every**  
 6 **summer I go through this process of -- of our**  
 7 **restructuring. And so, I always have to**  
 8 **consider, I always have to consider where our**  
 9 **-- the skill sets of our leaders are and the**  
 10 **needs of the district.**

11 **So, in -- with the budget crisis, it was**  
 12 **necessary for me to make adjustments. That is**  
 13 **not to say that I did not have concerns about**  
 14 **the employee performance prior to the budget**  
 15 **and the restructuring.**

16 Q. Who would have not continued in their  
 17 job but for the budget?

18 **A. I mean, that's hard to predict because**  
 19 **of where the school year ended and the budget**  
 20 **crisis that we were facing.**

21 **Did I have performance concerns prior to**  
 22 **the pandemic? Absolutely.**

23 Q. Okay. Now, before the pandemic hit, you  
 24 were not the permanent Director of Schools,  
 25 correct?

1 **factors around what those changes may be, but**  
 2 **the budget cuts definitely contributed heavily**  
 3 **to the restructuring that I did lead within**  
 4 **the District.**

5 Q. Okay. So, then, if not for the budget  
 6 cuts, these plaintiffs probably would have  
 7 still continued in the jobs that they had,  
 8 correct?

9 **A. No, that's not what I said.**

10 Q. Okay. Well, then, who would not have  
 11 continued in their position regardless of the  
 12 budget?

13 **A. So, at the time of the year when the**  
 14 **pandemic happened, that was in March, we were**  
 15 **facing the budget crisis.**

16 **What I'm communicating to you is that**  
 17 **that wasn't the first time that I considered**  
 18 **performance. I had concerns around**  
 19 **performance. In fact, that's why I also**  
 20 **served as kind of dually roled as the director**  
 21 **and -- and supervising the community**  
 22 **superintendents, so I could be closer to what**  
 23 **was happening in our schools and to be able to**  
 24 **provide the feedback that I've shared with you**  
 25 **already.**

1 **A. That's correct.**

2 Q. Okay. Now... (Attorney reviews  
 3 document.)

4 I want to show you some documents here.  
 5 Let me see if I can... (Attorney reviews  
 6 document.)

7 Well, I think I lost my Zoom.

8 MS. HARBISON: Here, let me see. I  
 9 see you on there. Maybe reduce that screen  
 10 that you're on. Here (indicating). (Respite.)

11 There you are. It's back there  
 12 (indicating). It's just black.

13 MS. STEINER: Okay. Thank you.

14 MS. HARBISON: You're welcome.

15 BY MS. STEINER:

16 Q. Okay. (Attorney reviews document.)  
 17 (Respite.)

18 Okay. Can y'all see?

19 MS. HARBISON: Ann, stop. Don't  
 20 look, Brook.

21 MR. FOX: Oh, okay.

22 MS. HARBISON: Yeah.

23 MR. FOX: Is there something right  
 24 in front of me?

25 MS. HARBISON: Yeah.

1 MR. FOX: Okay.  
 2 MS. HARBISON: So, Ann, click on  
 3 that.  
 4 MS. STEINER: Okay.  
 5 MS. HARBISON: All right. Now,  
 6 yeah. Okay, there you go. Sorry, Brook.  
 7 MR. FOX: That's fine.  
 8 BY MS. STEINER:  
 9 Q. Dr. Battle, can you see this document?  
 10 A. I can.  
 11 Q. Okay. And is this the May 4th, 2020,  
 12 letter that you sent to Jenai Hayes?  
 13 A. (Witness reviews document.) (Respite.)  
 14 Q. Is this the letter that you sent to  
 15 Jenai Hayes?  
 16 A. Yes, it appears to be a letter that --  
 17 Q. Okay.  
 18 A. -- I sent to her.  
 19 Q. And did you read it before you signed  
 20 it?  
 21 A. Yes.  
 22 Q. Okay. And is everything in it true and  
 23 accurate?  
 24 A. (Witness reviews document.) (Respite.)  
 25 That all appears to be.

1 A. Yes.  
 2 Q. Okay. And would you agree that you  
 3 cannot fire a tenured employee if they have  
 4 not done anything under the law to justify the  
 5 termination?  
 6 A. I'm aware of the tenure law --  
 7 Q. Uh-huh.  
 8 A. -- which is referenced here in this  
 9 letter that she would be able to secure a  
 10 classroom teaching position.  
 11 Q. Okay. My question to you is different,  
 12 okay.  
 13 Did you know that if a teacher is  
 14 tenured, they cannot be fired unless it's one  
 15 of the reasons under the law? I think it's  
 16 dishonest -- it's -- under the Tennessee code,  
 17 did you know that?  
 18 A. I know that through the tenure law there  
 19 are, and discipline laws for tenured teachers,  
 20 there's specific reasons that termination  
 21 would not be -- it would not be characterized  
 22 as termination if an employee was moved or if  
 23 a position changed.  
 24 Q. Okay. For the -- if you have an  
 25 employee that's tenured, okay --

1 Q. Okay. And was the reorganization caused  
 2 by the budget?  
 3 A. Yes.  
 4 Q. Okay. And did you know that Chris  
 5 Barnes had spoken with Ms. Hayes about several,  
 6 almost a week before this -- the date of this  
 7 letter?  
 8 A. I -- that's possible that he had a  
 9 conversation with her.  
 10 Q. Okay. Do you know that he told her that  
 11 she had lost her job?  
 12 A. No.  
 13 Q. Okay. Did you know that Ms. Hayes was  
 14 told that basically she was fired as of the end  
 15 of the year --  
 16 MR. FOX: Objection to the form.  
 17 BY MS. STEINER:  
 18 Q. -- by Chris Barnes?  
 19 A. I don't know that that was his language,  
 20 but because of the reorganization that  
 21 specific position was not going to exist  
 22 moving to the next --  
 23 Q. Uh-huh.  
 24 A. -- school year.  
 25 Q. Did you know that Ms. Hayes was tenured?

1 A. Uh-huh.  
 2 Q. -- would you agree that Ms. Hayes had  
 3 not done anything to justify a termination  
 4 because -- under the tenure laws?  
 5 A. Again, I was not her direct supervisor.  
 6 This particular document references the  
 7 reorganization, the position not existing.  
 8 And so, therefore, the reason for this shift  
 9 is due to the reorganization, but she's  
 10 guaranteed a classroom position pursuant to  
 11 the law.  
 12 Q. Okay. The question is different, okay.  
 13 Would you agree that Ms. Hayes had not  
 14 done anything to justify a termination under  
 15 the tenure laws?  
 16 A. Again, I was not her direct supervisor  
 17 to be able to provide you a direct response to  
 18 that question.  
 19 Q. Okay. The same thing with Dr. Bailey,  
 20 did you know he was tenured?  
 21 A. I'm pretty sure he was tenured as well.  
 22 Q. Okay. And do you know -- do you have  
 23 any information about whether or not he had  
 24 done any actions that would justify a  
 25 termination under the tenure laws?

1 A. So, I believe the communication for  
 2 Dr. Bailey was around not -- his contract not  
 3 being renewed for the upcoming school year due  
 4 to performance.  
 5 Q. Okay. And do you think it would have  
 6 been -- would it have been a policy and  
 7 procedure of Metro Schools to tell Dr. Bailey  
 8 that his contract was not being renewed due to  
 9 performance?  
 10 A. Could you repeat that question, please.  
 11 Q. Did Metro Schools have a duty for  
 12 telling Dr. Bailey his job was not being  
 13 renewed, his contract was not being renewed  
 14 due to performance?  
 15 A. Yes, we do --  
 16 Q. Uh-huh.  
 17 A. -- provide those communications.  
 18 Q. Okay. And do you know who told Dr.  
 19 Bailey that?  
 20 A. I believe his direct supervisor at the  
 21 time was Dr. Sharon Griffin who supervised.  
 22 Q. Okay.  
 23 A. So, it was one of his direct  
 24 supervisors.  
 25 Q. Okay.

1 A. His contract was non-renewed.  
 2 Q. Non-renewed, okay.  
 3 And so, it wasn't an issue of  
 4 transferring him to another position. He was  
 5 actually just non-renewed?  
 6 A. He was non-renewed from his current  
 7 position.  
 8 Q. Okay. And --  
 9 A. But was -- but was eligible to apply for  
 10 one.  
 11 Q. Okay. So, your understanding, Dr.  
 12 Bailey was not transferred. He was just  
 13 non-renewed for job performance, correct?  
 14 A. Yes.  
 15 Q. Am I right on that? Okay.  
 16 Now, is this -- and -- and you thought  
 17 that's what should have happened to him,  
 18 non-renewed for job performance, correct?  
 19 A. Based upon the conversations and the  
 20 performance of the school and the status of  
 21 the school, I thought it was appropriate that  
 22 he be -- his contract not be renewed.  
 23 Q. Okay. Any other high school principals  
 24 that you did not non-renew their contracts?  
 25 A. So, there was one other school where

1 MS. STEINER: Now, let's have Jenai  
 2 Hayes -- Jane Doe's termination letter marked  
 3 Exhibit Number 2.  
 4 MR. FOX: No objection.  
 5 (WHEREUPON, a document was marked as  
 6 Exhibit No. 2.)  
 7 BY MS. STEINER:  
 8 Q. And I want to show you another letter.  
 9 (Attorney reviews document.) (Respite.)  
 10 Can you see this letter, Doctor?  
 11 A. Can you go a little bit bigger?  
 12 Q. Yeah.  
 13 A. I can see it, but I can't read it, if  
 14 that makes sense.  
 15 Q. Is that a little better?  
 16 A. (Witness reviews document.)  
 17 Yes, it's a little bit better. (Witness  
 18 reviews document.) (Respite.)  
 19 Yep.  
 20 Q. Okay. And backing up just one second.  
 21 For Dr. Bailey, was it your understanding that  
 22 he was let go from Metro Schools because of  
 23 job performance?  
 24 A. No.  
 25 Q. Okay.

1 actually made recommendation to the board to  
 2 close the school, and at -- which meant that  
 3 the contract of that principal was -- was  
 4 non-renewed.  
 5 Q. Okay. But that wasn't for performance.  
 6 That's because the school closed, correct?  
 7 A. Uh-huh. That's correct.  
 8 Q. Okay. So, then, any principals in the  
 9 middle schools that you recommended that their  
 10 contracts not be renewed for or that you  
 11 decided their contracts not be renewed because  
 12 of job performance?  
 13 A. I don't -- I don't recall any other  
 14 recommendations coming to me for middle  
 15 school.  
 16 Q. Okay. What about grade school, any of  
 17 the principals in the grade school that you  
 18 decided to non-renew their contracts for job  
 19 performance?  
 20 A. I don't recall any other ones for --  
 21 Q. Okay.  
 22 A. -- being recommended to me from  
 23 elementary school either.  
 24 Q. Okay. And how many schools total do you  
 25 have?

1 A. About -- a little over 130.  
 2 Q. Okay.  
 3 A. So, 130, 140 at this time. Again, it's  
 4 all about --  
 5 Q. Uh-huh.  
 6 A. -- timing of when we consolidated some  
 7 schools.  
 8 Q. Okay. So, of the 130, 140 schools,  
 9 there was only one principal that you  
 10 recommended his contract not be --  
 11 A. Well, we also --  
 12 Q. -- renewed for performance?  
 13 A. -- we -- we actually had a few more than  
 14 that. We had a -- a few others that were  
 15 impacted due to consolidations where we closed  
 16 their schools, and they also had to re-apply  
 17 for other positions --  
 18 Q. Uh-huh.  
 19 A. -- in the District.  
 20 Q. Okay. But that was not for job  
 21 performance, correct?  
 22 A. That's correct.  
 23 Q. Okay. Were you the one that had the  
 24 ultimate decision about what would happen to  
 25 Dr. Bailey?

1 process, we assess and we go through our  
 2 interview phases to determine if that leader  
 3 is the right leader to lead that school  
 4 forward.  
 5 And so, I -- I think that question might  
 6 be a little shortsighted in that suggesting  
 7 that I make that initial move, and the initial  
 8 move is actually with the principal  
 9 identifying where they think they might be the  
 10 best fit and the best leader.  
 11 Q. Are you the ultimate decisionmaker as to  
 12 whether or not they get another position as  
 13 principal?  
 14 A. I am the final decisionmaker of  
 15 principal, all principal selections.  
 16 Q. Okay. Did you know that Dr. Bailey had  
 17 applied for about, I believe it was either two  
 18 or three principal positions or assistant  
 19 principal positions -- positions?  
 20 A. I was aware that he applied for at least  
 21 one. I don't know if it was multiple, but at  
 22 least one other principal's position.  
 23 Q. And were you the ultimate decisionmaker  
 24 that he would not get that position?  
 25 A. No, because the -- the final round, I --

1 A. As the Director of Schools, it is my  
 2 responsibility, but based upon the disciplinary  
 3 action -- excuse me, he was a non-renewal, so  
 4 that was my ultimate decision.  
 5 Q. Okay. Now, and, so then, if you  
 6 non-renew him and he's a principal, is it  
 7 accurate, then, that you would not want to put  
 8 him in another principal's position?  
 9 A. No, that's not necessarily accurate.  
 10 Again, it's -- it's our responsibility to try  
 11 to get a -- assess the needs of the learning  
 12 community and match the skill sets of the  
 13 principal to meet those needs. It's why we  
 14 also include and engage other stakeholders in  
 15 -- in the process.  
 16 Q. Can you tell me any other high school,  
 17 middle school, or grade school in 2020 that  
 18 you would have wanted to put Dr. Bailey in as  
 19 principal, or that you considered putting --  
 20 A. Well --  
 21 Q. -- him in as principal?  
 22 A. -- let's step back and think about the  
 23 process. The process is that principals  
 24 self-identify the schools that they're  
 25 interested in. Then as a result of that

1 I only interview the candidates that come out  
 2 of the --  
 3 Q. Okay.  
 4 A. -- phased process, so I never  
 5 interviewed Dr. Bailey for the position.  
 6 Q. Okay. Now, Dr. Leffler's letter that  
 7 we've got up here, is this a true and accurate  
 8 copy of the letter that you sent to Dr.  
 9 Leffler?  
 10 A. It appears to be.  
 11 Q. Okay. And is everything in this letter  
 12 true and accurate?  
 13 A. It appears to be.  
 14 Q. Okay. And did Dr. Leffler as well lose  
 15 her position due to the budget?  
 16 A. (Witness reviews document.)  
 17 So, Dr. Leffler's position was a part of  
 18 the district reorganization, of which she  
 19 would be eligible to re-apply for or to apply  
 20 for other selections, and if she was selected  
 21 be offered that position.  
 22 Q. The reorganization was caused by the  
 23 budget issues, correct?  
 24 A. Uh-huh. That's correct.  
 25 Q. Okay. And so... (Attorney reviews

1 document.)  
 2 And who was the person who made the  
 3 decision about eliminating the executive  
 4 director?  
 5 Well, let me ask you this, her position  
 6 as Executive Director School Support will be  
 7 eliminated. Was her position actually  
 8 eliminated?  
 9 **A. So, in its current state it was being**  
 10 **eliminated and then repurposed. So, we -- we**  
 11 **did upgrade the roles and responsibilities of**  
 12 **the executive director position.**  
 13 Q. And what was the difference between the  
 14 old executive director position and the new  
 15 one?  
 16 **A. Yeah, significant in that it required**  
 17 **more instructional leadership capacity. It**  
 18 **required a high level of collaboration across**  
 19 **departments. It requires a -- a significant**  
 20 **amount of visibility across our students at**  
 21 **the schools and accountability with regards to**  
 22 **student outcomes.**  
 23 Q. Okay. Was there anything -- and who  
 24 actually made the decision to make the  
 25 executive directors re-apply for their

1 role because a hole tier supervision was being  
 2 removed from our organizational structure as a  
 3 result of the budget cuts.  
 4 Q. Okay. Now, when the executive directors  
 5 reapplied for the executive director position  
 6 and it was -- had the same name, correct?  
 7 **A. Well, no. I -- I actually think we**  
 8 **changed the name of the position.**  
 9 Q. What was it changed to?  
 10 **A. At that time they were called Executive**  
 11 **Directors of School Support, and -- it was**  
 12 **EBSSI, Executive Directors of School Support**  
 13 **and Improvement. And we retitled them to**  
 14 **simply Executive Directors of Schools.**  
 15 Q. Okay. Who made the decision that they  
 16 would have these interviews for the new  
 17 positions?  
 18 **A. I did.**  
 19 Q. Okay. And who made the decision that  
 20 the interviews would be anonymous?  
 21 **A. I'm not sure, can you clarify your**  
 22 **question?**  
 23 Q. Who made the decision that the scoring  
 24 that the different interviewers gave each  
 25 candidate would be anonymous?

1 positions?  
 2 **A. Ultimately, it was my decision.**  
 3 Q. Okay. And why did you decide that they  
 4 needed to re-apply as opposed to just  
 5 appointing the executive directors as the new  
 6 executive directors and give them a few job  
 7 duties?  
 8 **A. So, the first reason, as you've talked**  
 9 **about already, was the reorganization that was**  
 10 **happening -- happening in the organization.**  
 11 **And with that reorganization, I was**  
 12 **essentially eliminating an additional tier of**  
 13 **school supervision.**  
 14 And so, eliminating that position would  
 15 require us to review the -- the job  
 16 responsibilities and duties of an executive  
 17 director, because in essence, we had split  
 18 them out a little bit, adding the community  
 19 superintendent role and now some of those  
 20 responsibilities were going to be included in  
 21 the executive director position.  
 22 It's important to note that when you  
 23 apply for those positions and we want clarity  
 24 around what you're -- what role you'll  
 25 actually play, it was taking on a different

1 **A. That's an HR function.**  
 2 Q. Do you know who -- do you -- is it true  
 3 that when you interview for certain positions  
 4 like a principal's position that Metro Schools  
 5 keeps the -- the scores of each interviewer?  
 6 **A. It's our practice to try to maintain --**  
 7 Q. Uh-huh.  
 8 **A. -- the documents from the interview**  
 9 **process.**  
 10 Q. Okay. And that's standard at Metro  
 11 Schools. If you interview for a principal's  
 12 position, you can go in and see who  
 13 interviewed them and how they scored them?  
 14 **A. Well, it depends on the level of the**  
 15 **position.**  
 16 Q. Uh-huh.  
 17 **A. So, we encourage our principals to do**  
 18 **that. We have some departments that, you**  
 19 **know, based upon the type of position they may**  
 20 **or may not do that, but we try to in our**  
 21 **phased interview process, we try to maintain**  
 22 **that information because it's also information**  
 23 **that we leverage at different phases within**  
 24 **the interview process.**  
 25 Q. Okay. So, you typically try to keep the

1 information about who interviewed the candidate  
 2 and what the score was from that interview,  
 3 correct?  
**4 A. We -- we try to, but we do --**  
**5 Q. Uh-huh.**  
**6 A. -- a lot of interviewing.**  
**7 Q. Okay. And do you know whether or not**  
**8 the EEOC requires you to keep the documentation**  
**9 about promotions?**  
**10 A. I would rely to -- on my HR department**  
**11 for their advice.**  
**12 Q. Do you know who in HR decided that the**  
**13 interviews for the executive directors'**  
**14 positions would be anonymous?**  
**15 A. I do not.**  
**16 Q. Okay. Were any other interviews that**  
**17 were conducted in the Spring of 2020**  
**18 anonymous?**  
**19 A. I don't have that recollection. Again,**  
**20 I will refer you to our HR department for**  
**21 that.**  
**22 Q. Do you know of any interviews or any**  
**23 positions at Metro Schools where the**  
**24 interviews were conducted anonymously, outside**  
**25 the executive directors position?**

1 different numbers of interviewers and  
 2 different interviewers, different scores when  
 3 different people are -- are applying for the  
 4 same job?  
**5 A. I think it's fair to have a fairly**  
**6 standardized process by which we interview**  
**7 employees. And again, there's a range, and we**  
**8 have a range for other positions, including**  
**9 our principal selection panel. So, as long as**  
**10 we're within that range and kind of**  
**11 standardization of practice, I think that's**  
**12 appropriate.**  
**13 Q. Did you know anything about Chad High**  
**14 interviewing for the position?**  
**15 A. Yes.**  
**16 Q. Do you know Chad High?**  
**17 A. I do know Chad High.**  
**18 Q. Okay. Did you have any discussion with**  
**19 Chad High about interviewing for an executive**  
**20 director's position?**  
**21 A. I did not.**  
**22 Q. Do you know how he got called in to**  
**23 interview for that position?**  
**24 A. I know that there was, when we were**  
**25 going through the restructure and the**

1 **A. I would not necessarily know that,**  
**2 because of -- because, one, I don't interview**  
**3 every single employee within the district, nor**  
**4 do I always see the behind-the-scenes**  
**5 management of that capturing of those early**  
**6 phase interviews. So, in essence, I don't --**  
**7 I typically don't participate in the initial**  
**8 interview phase.**  
**9 Q. Okay. Did you know that the people who**  
**10 applied for executive director positions had**  
**11 varying numbers of interviewers, meaning, one**  
**12 may have had five interviewers and one may**  
**13 have had three interviewers?**  
**14 A. I know we try to keep a standard range**  
**15 in our interview process.**  
**16 Q. Okay. Did you know whether or not --**  
**17 for instance, did you know that Chris Barnes**  
**18 could not connect to the interview when he was**  
**19 interviewing -- when everyone else was**  
**20 interviewing Lily Leffler, and so he had to**  
**21 connect with her the next day for his**  
**22 interview?**  
**23 A. I'm not aware of those initial phase**  
**24 logistics. I'm not aware of that.**  
**25 Q. Okay. Do you think it's fair to have**

1 **reorganization -- actually, we go through this**  
**2 every day -- we are constantly talking about**  
**3 how we recruit and retain high quality**  
**4 leaders. And sometimes when you -- when we're**  
**5 in that recruitment phase, it's important for**  
**6 our employees to know when they have specific**  
**7 skill sets that could benefit the organization**  
**8 at large.**  
**9 Q. Okay. You lost me there.**  
**10 Did you have any contact with Chad High**  
**11 about him applying for the executive**  
**12 director --**  
**13 A. I did not.**  
**14 Q. -- positions?**  
**15 Okay. Do you know who did and how he**  
**16 came about to apply for that position? I'm**  
**17 going to take his deposition later. I'm just**  
**18 asking you, do you know?**  
**19 A. Yeah, if I'm -- if I'm not mistaken, my**  
**20 chief of staff might have had a conversation**  
**21 with him.**  
**22 Q. Who's your chief of staff?**  
**23 A. Hank Clay.**  
**24 Q. Okay. And do you know whether or not**  
**25 Hank Clay asked Chad High to apply for that**

<p>1 position?</p> <p>2 <b>A. No, I'm not aware if there was a</b></p> <p>3 <b>specific ask for him to apply.</b></p> <p>4 Q. Do you know what happened? Do you know</p> <p>5 that Chad High's scores are missing?</p> <p>6 <b>A. I've heard that his scores are missing.</b></p> <p>7 Q. Has Metro Schools conducted any sort of</p> <p>8 an investigation, to your knowledge, to find</p> <p>9 out what happened to Chad High's scores?</p> <p>10 <b>A. I don't. But I do know that during the</b></p> <p>11 <b>phased interviews his scores were available,</b></p> <p>12 <b>because I leveraged all of that information in</b></p> <p>13 <b>the next phase of interviews.</b></p> <p>14 Q. Okay. Well, then, if they were</p> <p>15 available, do you recall one of the scorers</p> <p>16 giving him an exceptionally low score because</p> <p>17 he didn't think he was qualified?</p> <p>18 <b>A. No, because what I received -- I</b></p> <p>19 <b>received the -- some scores from each. I</b></p> <p>20 <b>don't -- I don't get the individual greater</b></p> <p>21 <b>scores, if -- if you will.</b></p> <p>22 Q. Okay. And how did you receive those?</p> <p>23 <b>A. Chris Barnes, our Chief of HR.</b></p> <p>24 Q. Did he hand deliver it to you, or did</p> <p>25 you get it by e-mail? Did you get it in a</p>	<p>Page 105</p>	<p>1 time because of the pandemic, it could have</p> <p>2 been either of the two.</p> <p>3 Q. Okay. And do you recall the composite</p> <p>4 score for Chad High?</p> <p>5 <b>A. I don't remember the actual --</b></p> <p>6 Q. Uh-huh.</p> <p>7 <b>A. -- score today, no.</b></p> <p>8 Q. Uh-huh. Okay. Now, do you recall</p> <p>9 anything about the meeting with Chris Barnes,</p> <p>10 about the day, the time, or anything?</p> <p>11 <b>A. It was after the phase one interviews.</b></p> <p>12 <b>That -- that I'm pretty sure about. So, they</b></p> <p>13 <b>went through the phase one interviews, and I</b></p> <p>14 <b>reviewed the candidates, and then we moved on</b></p> <p>15 <b>to the second phase.</b></p> <p>16 Q. And was Chad High interviewed in the</p> <p>17 phase one interviews?</p> <p>18 <b>A. To my understanding, yes, he was.</b></p> <p>19 Q. And what was the second phase?</p> <p>20 <b>A. The second phase was with me.</b></p> <p>21 Q. Okay. Did Chad High interview with you?</p> <p>22 <b>A. He did.</b></p> <p>23 Q. Okay. Now -- now, this document that</p> <p>24 had the composite scores on there that Chris</p> <p>25 Barnes had, has anyone from Metro asked him</p>	<p>Page 107</p>
<p>1 document?</p> <p>2 <b>A. No, I think we -- I think we might have</b></p> <p>3 <b>met. We might have met face to face. We</b></p> <p>4 <b>might have met over our virtual platform just</b></p> <p>5 <b>to review where we were before we moved into</b></p> <p>6 <b>the next phase of interviews.</b></p> <p>7 Q. And did he give you a hardcopy showing</p> <p>8 the scores?</p> <p>9 <b>A. He didn't -- I don't think he handed me</b></p> <p>10 <b>a hardcopy. I think I saw a hardcopy of the</b></p> <p>11 <b>version of the scores from the interviewees.</b></p> <p>12 Q. Okay. And who had that hardcopy?</p> <p>13 <b>A. At the time, Chris Barnes would have had</b></p> <p>14 <b>it as our Chief of HR.</b></p> <p>15 Q. And did it have -- what did it look</p> <p>16 like?</p> <p>17 <b>A. It had the phased one applicants and</b></p> <p>18 <b>where they scored in the process.</b></p> <p>19 Q. So, it was a composite score over each?</p> <p>20 <b>A. Yes.</b></p> <p>21 Q. Okay. And did you meet with him</p> <p>22 personally and did he show you the document,</p> <p>23 or was it on a Zoom meeting?</p> <p>24 <b>A. I can't remember if it was face to face</b></p> <p>25 <b>or if it was on Zoom. I mean, during that</b></p>	<p>Page 106</p>	<p>1 where is this document that's got this</p> <p>2 composite Chad High score on there?</p> <p>3 <b>A. Has -- I can only speak for myself in</b></p> <p>4 <b>that I -- I've learned that he did not have</b></p> <p>5 <b>the scores, and by the time we knew the -- he</b></p> <p>6 <b>was -- Chris is no longer an employee of MNPS,</b></p> <p>7 <b>and so the only question I could ask was,</b></p> <p>8 <b>Where -- where are they? How can we find</b></p> <p>9 <b>them, but to no resolve.</b></p> <p>10 Q. Why did Chris Barnes leave Metro</p> <p>11 Schools?</p> <p>12 <b>A. He -- his wife has been -- he -- he came</b></p> <p>13 <b>to us from North Carolina, and was right</b></p> <p>14 <b>before the pandemic getting ready to move.</b></p> <p>15 <b>His wife had some health concerns, so does his</b></p> <p>16 <b>son and -- and daughter to a degree, and so he</b></p> <p>17 <b>needed to be closer to home.</b></p> <p>18 Q. Okay. Now, so then, under oath you're</p> <p>19 testifying that you actually saw a document</p> <p>20 that had the composite scores on there; is</p> <p>21 that correct?</p> <p>22 <b>A. Yes.</b></p> <p>23 Q. Okay. That document has not been</p> <p>24 produced in this cause; do you know that?</p> <p>25 <b>A. Yes.</b></p>	<p>Page 108</p>

1 Q. Okay. And do you also -- and -- and to  
 2 your knowledge, have you asked anyone, because  
 3 you do realize that's an important document in  
 4 this lawsuit? Do you realize that?

5 **A. I would imagine that you would want to**  
**6 see the scores, but as I've already referenced**  
**7 during the interview process we did have the**  
**8 scores.**

9 Q. Have you asked anyone at Metro Schools,  
 10 what happened to this document and why wasn't  
 11 it kept?

12 **A. The only person that I could have that**  
**13 conversation with, which I did, was Chris**  
**14 Barnes, who's now transferred to another**  
**15 school district.**

16 Q. Okay. And what did you ask him?

17 **A. Just what -- what happened. Where --**  
**18 where are the -- where are the documents?**  
**19 Where's the form?**

20 Q. Okay. And what did he say?

21 **A. He doesn't have them. He doesn't know**  
**22 what happened to them.**

23 Q. Okay. So, then, do you understand that  
 24 not only was his -- Chad High's individual  
 25 scores lost, but now these composite scores

1 **interview, our stakeholder interview, and the**  
**2 feedback that we receive.**

3 BY MS. STEINER:

4 Q. Who did you talk to at Metro Schools  
 5 specifically about the missing documents,  
 6 Chad High's scores and the composite scores  
 7 for everyone? Who did you talk to about the  
 8 problems with this?

9 **A. As I've already mentioned, the initial**  
**10 conversation about the lost documents was had**  
**11 with our previous chief of HR, which is Chris**  
**12 Barnes.**

13 **We now have a new chief of HR, of which**  
**14 we've continued those conversations around**  
**15 making sure that we tighten up the process so**  
**16 that we maintain all the documents that we**  
**17 should maintain.**

18 MR. FOX: And objection. I'm not  
 19 sure the composite scores of everyone has been  
 20 lost. I think it's been produced. We  
 21 discussed it in Mr. Barnes's deposition, unless  
 22 --

23 MS. STEINER: I'm -- I'm sorry,  
 24 then, but I just -- I just didn't recall that.

25 MR. FOX: Well, it may be --

1 that you claim you saw is lost as well? Do  
 2 you realize that? That's two documents that  
 3 have been lost?

4 **A. That -- that may be the case. I'm --**  
**5 again, I'm not the beholder of that**  
**6 information. I did not conduct the phase one**  
**7 interviews, and so I would expect that our**  
**8 team who conducts that would have that**  
**9 information and be able to provide it.**

10 Q. Did you have any conversations with  
 11 anyone at Metro Schools about how these  
 12 documents are important and from this point on  
 13 they need to be saved --

14 **A. Oh --**

15 Q. -- by you?

16 **A. -- absolutely, that is a part of our --**

17 Q. Who did you --

18 **A. -- standard process, so.**

19 Q. -- talk to about these two documents?

20 MR. FOX: Objection. Let the  
 21 witness finish her answer.

22 **THE WITNESS: That is a part of our**  
**23 process, and I -- I always reinforce just the**  
**24 standardization of that. We try to maintain**  
**25 as reasonably as possible our phased**

1 MS. STEINER: I'll check it and see  
 2 if was made an exhibit.

3 MR. FOX: -- it may be we have a  
 4 different interpretation of what we're talking  
 5 about, but.

6 **THE WITNESS: Of the --**

7 MS. STEINER: So, there was a hard  
 8 copy of the composite?

9 MR. FOX: It was my understanding,  
 10 I'll have to go back and look at Chris Barnes's  
 11 deposition, but I thought the spreadsheet with  
 12 the one that had comments out to the side was  
 13 a composite of multiple scores.

14 MS. STEINER: No, she said that that  
 15 was -- each score was totaled.

16 **THE WITNESS: That I said that?**

17 BY MS. STEINER:

18 Q. Yeah.

19 **A. That --**

20 Q. Yeah, let's show it to you.

21 MR. FOX: Yeah.

22 BY MS. STEINER:

23 Q. Let's show you this and see --

24 **A. Okay.**

25 Q. -- if this is the composite that you're

<p>1 talking about.</p> <p>2 MS. STEINER: And let's make Lily</p> <p>3 Leffler's termination letter the next-numbered</p> <p>4 exhibit.</p> <p>5 MR. FOX: Objection to form.</p> <p>6 But this letter dated May 4th, 2020,</p> <p>7 to Lily Leffler, there's no objection to that</p> <p>8 coming in.</p> <p>9 MS. STEINER: Okay.</p> <p>10 (WHEREUPON, a document was marked as</p> <p>11 Exhibit No. 3.)</p> <p>12 BY MS. STEINER:</p> <p>13 Q. (Attorney reviews document.) (Respite.)</p> <p>14 Okay. Dr. Battle, can you see this</p> <p>15 screen here?</p> <p>16 A. <b>(Witness reviews document.)</b></p> <p>17 MR. FOX: Let's see.</p> <p>18 MS. STEINER: Hang on a second, I'm</p> <p>19 going to stop the share for just a second.</p> <p>20 Okay?</p> <p>21 MR. FOX: Okay.</p> <p>22 MS. STEINER: I'll go back in and do</p> <p>23 something real quick, because it's not --</p> <p>24 MR. FOX: Yeah, we -- we could see</p> <p>25 it. It just looks scrolled far right.</p>	<p>Page 113</p> <p>1 document.)</p> <p>2 Yes. And so, with each one -- yeah, I</p> <p>3 think this is the same thing. (Witness reviews</p> <p>4 document.)</p> <p>5 Yeah, this -- I mean, it looks very</p> <p>6 familiar.</p> <p>7 MR. FOX: Okay. So, what's the</p> <p>8 question that you're answering yes to?</p> <p>9 BY MS. STEINER:</p> <p>10 Q. Is this the form that Chris Barnes</p> <p>11 showed you that you've been testifying to?</p> <p>12 A. <b>Scroll back over one more time. I just</b></p> <p>13 <b>want to see if there's one other thing on</b></p> <p>14 <b>here.</b></p> <p>15 Q. (Attorney complies.)</p> <p>16 A. <b>(Witness reviews document.)</b></p> <p>17 So, yes and no. So, we went through --</p> <p>18 we -- I saw this and then it was what</p> <p>19 composite, like, just go through and just do</p> <p>20 your formula. What are the composite scores</p> <p>21 for each of these individuals, like the</p> <p>22 average score for each one. And so, he did</p> <p>23 show me the average score.</p> <p>24 Q. So, you saw this form?</p> <p>25 A. Uh-huh.</p>
<p>1 MS. STEINER: Okay. (Attorney</p> <p>2 reviews document.)</p> <p>3 BY MS. STEINER:</p> <p>4 Q. Okay. Dr. Battle, do you see this</p> <p>5 screen? Can you see this, it's got Lily</p> <p>6 Leffler at the top of the page?</p> <p>7 A. Uh-huh.</p> <p>8 Q. It's got candidate's name. It's got</p> <p>9 Karen Gallman under her, and then Lily again,</p> <p>10 and then Chae Snorten?</p> <p>11 Is this the form that -- the composite</p> <p>12 form that Chris Barnes showed you?</p> <p>13 A. <b>Can you -- can you scroll over?</b></p> <p>14 MR. FOX: To the right.</p> <p>15 BY MS. STEINER:</p> <p>16 Q. If it works. (Attorney reviews</p> <p>17 document.)</p> <p>18 MR. FOX: Comments (indicating).</p> <p>19 THE WITNESS: Yeah. (Witness reviews</p> <p>20 document.)</p> <p>21 I'm sorry, can you scroll back over</p> <p>22 to the right?</p> <p>23 BY MS. STEINER:</p> <p>24 Q. Tell me when to stop.</p> <p>25 A. Okay. That's good. (Witness reviews</p>	<p>Page 114</p> <p>1 Q. And then you told him, Give me the</p> <p>2 average score --</p> <p>3 A. Uh-huh.</p> <p>4 Q. -- for each one?</p> <p>5 A. Yes.</p> <p>6 Q. And that's a separate document?</p> <p>7 A. It's not a separate document. It is a</p> <p>8 summarizing the information here.</p> <p>9 Q. But it's on a separate piece of paper?</p> <p>10 A. No, I'm not saying -- I'm not suggesting</p> <p>11 it was on a separate sheet of paper. What I'm</p> <p>12 saying is, just go through and tell me, like,</p> <p>13 summarize this for me so I have that</p> <p>14 information to assess and move on to the next</p> <p>15 phase of the interview.</p> <p>16 Q. Is this the document that Chris Barnes</p> <p>17 showed you?</p> <p>18 A. This is the initial document that he</p> <p>19 showed me.</p> <p>20 Q. Did he show you any other documents?</p> <p>21 A. No. So, then, I said, Go in and</p> <p>22 summarize it for me and just tell me,</p> <p>23 generally speaking, where did the candidates</p> <p>24 land.</p> <p>25 Q. Did he give you any other --</p>

1 A. He did not give, physically give me any  
 2 other document.  
 3 Q. Did you see any other document?  
 4 A. No.  
 5 Q. Okay. So, this is it?  
 6 A. This is it.  
 7 Q. Okay. So, then, I want you to go down,  
 8 let's look at this. You've got Carl Carter  
 9 here. You've got Renita Perry. It's got all  
 10 the candidates --  
 11 A. Uh-huh.  
 12 Q. -- here. Go all the way down. Do you  
 13 see Chad High?  
 14 A. I did not see him as you were scrolling.  
 15 Q. Okay. And so, then, from this document  
 16 Chad High is not scored on these --  
 17 A. Huh-uh.  
 18 Q. -- this document, is he?  
 19 A. Huh-uh.  
 20 Q. Okay. So, then, what score did Chris  
 21 Barnes tell you Chad High had?  
 22 A. He showed me scores for Chad High. And  
 23 again, I can't -- I can't recall. I mean,  
 24 there's hundreds of numbers on here. I don't  
 25 recall what his exact score was, but part of

1 on May 23rd she did very poorly? Did you know  
 2 that?  
 3 A. No, I --  
 4 Q. Okay.  
 5 A. -- do not know that.  
 6 Q. Did you know that the last day was, I  
 7 believe, a Saturday and that that was her  
 8 conversation with Chris Barnes? Did you know  
 9 that?  
 10 A. No, I do not know that.  
 11 Q. Did you know that Chris Barnes didn't  
 12 ask her any of the interviewer questions? He  
 13 just talked?  
 14 A. No, I do not know that to be true.  
 15 Q. Okay. Can -- would you agree that an  
 16 interviewer cannot really score someone if they  
 17 don't ask them any questions?  
 18 A. Can you repeat that question?  
 19 Q. Can you -- can you agree as the Director  
 20 of Schools for Metro Schools that an  
 21 interviewer should not grade somebody or score  
 22 somebody if they haven't asked them any  
 23 questions?  
 24 A. So, part of the interview process is to  
 25 have a conversation and ask questions to the

1 our phased interview is that Chad would have  
 2 been required to go through phase one, just  
 3 like everyone else, before he would -- would  
 4 have been considered even for phase two.  
 5 Q. I may be wrong on this, but I think  
 6 Chris Barnes testified that Chad High's scores  
 7 were lost completely?  
 8 A. No, I saw Chad High's scores between  
 9 phase one and phase two. (Respite.)  
 10 Now, what happened beyond that, that --  
 11 Chris would have to testify to that. But we --  
 12 I review scores for every candidate before we  
 13 move them on to phase two.  
 14 Q. Okay. In this, I'm going to show you  
 15 something.  
 16 A. Okay.  
 17 Q. Do you see where Lily Leffler was  
 18 interviewed and it looks like the date's  
 19 May 22nd, and then she was interviewed again  
 20 on May 23rd, anonymous?  
 21 A. (Witness reviews document.)  
 22 I see that.  
 23 Q. Okay. Did you know that Lily Leffler,  
 24 for the first day of her interview did really  
 25 well, and did you know for the last interview

1 interviewee.  
 2 Q. Would you agree that an interviewer at  
 3 Metro Schools should not score a candidate if  
 4 they haven't bothered to ask them any  
 5 questions?  
 6 A. I think our --  
 7 MR. FOX: Objection to the form.  
 8 THE WITNESS: I think our leaders  
 9 through the interview process should engage  
 10 with, have conversation with, and ask  
 11 questions as needed to anyone interviewing for  
 12 a question -- for -- for a position.  
 13 BY MS. STEINER:  
 14 Q. Has anyone told you that Chris Barnes  
 15 didn't ask any questions, but yet he scored  
 16 her?  
 17 A. Has anyone told me that?  
 18 Q. Yes.  
 19 A. No, I don't know that to be true.  
 20 MR. FOX: Object. Yeah, objection  
 21 to the form.  
 22 BY MS. STEINER:  
 23 Q. If that is true, should that be  
 24 investigated by Metro Schools?  
 25 MR. FOX: Objection to form.

1       **THE WITNESS: I'm not sure, because**  
 2   **I don't know that that would have -- I don't**  
 3   **know how much impact that would have had to**  
 4   **the final decision that was made.**

5   BY MS. STEINER:

6   Q.    Okay. So, then, you told Chris Barnes,  
 7   I want a composite for all these scores, and  
 8   he called you back and he gave you the scores,  
 9   how everyone scored?

10   A.   **No. This is an Excel spreadsheet.**

11   Q.    Uh-huh.

12   A.   **So, you can easily go in and just kind**  
 13   **of compute where everyone landed, and that's**  
 14   **what he did.**

15   Q.    And did he give you the composites?

16   A.   **We looked at them when we were either --**  
 17   **I don't -- again, I'm assuming we either met**  
 18   **in person; we either met virtually. We walked**  
 19   **through it during that conversation to help**  
 20   **inform what would happen with the phase two**  
 21   **interviews.**

22   Q.    So, then, there was another document  
 23   outside of this that you saw?

24   A.   **No, I think I've answered that and told**  
 25   **you no.**

1   Q.    And --  
 2   A.   **And that's where we -- during that time**  
 3   **together, that's what we looked at.**  
 4   Q.    Okay. And so, then, was there a  
 5   document, whether it be an Excel spreadsheet,  
 6   whether it be a document on the computer,  
 7   whether it be a piece of paper that had the  
 8   composite scores on it?

9   A.   **Not that Chris gave to me, no.**

10   Q.    Did you see one?

11   A.   **I saw where we were computing when we**  
 12   **were looking at this spreadsheet.**

13   Q.    Did the spreadsheet have the composite  
 14   scores on them?

15   A.   **No.**

16   Q.    Okay. So, then, how did he give you the  
 17   composite scores?

18   A.   **As I've already communicated, he**  
 19   **computed them while we were in that**  
 20   **conversation to give me the average score.**

21   Q.    So, then, he would have told you, for  
 22   instance, Renita Perry, average score 3.6?

23   A.   **Around -- he would have said around 3.6,**  
 24   **yes.**

25   Q.    Okay. And so, he didn't write it down

1   Q.    Okay. So, he just orally told you what  
 2   the scores were?

3   A.   **I think he did whatever he needed to do**  
 4   **on this one spreadsheet, and we went over what**  
 5   **those scores would be.**

6   Q.    So, there's a spreadsheet that has the  
 7   scores on it, the composite scores?

8   A.   **No, that's not what I said. What I said**  
 9   **is he used this information to determine what**  
 10   **the sum score would have been, if that was --**  
 11   **if we were looking at the average score for**  
 12   **these applicants.**

13   Q.    And how did he give that? Was it an  
 14   Excel calculation?

15   A.   **So, we were meeting.**

16   Q.    Uh-huh.

17   A.   **We were meeting to review the scores --**

18   Q.    Uh-huh.

19   A.   **-- from the phase one interview. Part**  
 20   **of that was to look at the feedback received,**  
 21   **and I wanted to know if I'm looking at this,**  
 22   **it's a lot of information, I've got to make**  
 23   **some decisions, what are the summary scores**  
 24   **for this. What, like, on average, where did**  
 25   **everyone score.**

1   on a separate document? He told you orally?

2   A.   **We -- exactly.**

3   Q.    Okay. And when he told you orally what  
 4   the scores were, did you write them down?

5   A.   **No. I mean, we were probably, like,**  
 6   **capturing, you know, like, okay, you kind of**  
 7   **go in order for me what you've got and let's**  
 8   **walk through them. But he did not physically**  
 9   **give me a document with that on there.**

10   Q.    Okay. So, then, if you're -- did you  
 11   make your decision as to who to hire based on  
 12   these scores?

13   A.   **Not solely based on the scores.**

14   Q.    Were you the final decisionmaker?

15   A.   **I was the final decisionmaker.**

16   Q.    Okay. And so, then, did you consider  
 17   these scores?

18   A.   **I absolutely did consider the scores.**

19   Q.    Okay. And so, then, if you're  
 20   considering the scores, how did you remember,  
 21   for instance, if he gave you Carl Carter, 3.6;  
 22   Renita Perry, 3.2 -- let's do it this way.

23   Q.    How did you remember what the composite  
 24   scores were by the time he got to the end of  
 25   all the people who had interviewed?

1 A. As I've communicated, this is an Excel  
 2 spreadsheet. You can create the formula to do  
 3 that. You can drop the scores over and tell  
 4 it to average. And so, he was doing some of  
 5 that as we were walking -- walking through  
 6 where the phase one interviews landed.

7 Q. But he's telling you the composites,  
 8 correct?

9 A. As he's -- as he's doing calculations,  
 10 yes.

11 Q. How did you remember them?

12 A. Because he was doing them on the -- on  
 13 the screen.

14 Q. But how did you remember the different  
 15 ones? If you -- even if you just had ten, how  
 16 did you remember who was the highest and who  
 17 was the lowest? Did you not keep any  
 18 documentation?

19 A. No, it wasn't -- wasn't necessary,  
 20 because the documentation was here.

21 Q. Okay.

22 A. And so, just like you're looking at on  
 23 this screen, as someone is calculating the  
 24 information he was able to capture that so  
 25 that I could see where everyone was landing,

1 minute. Again, I can't remember if we were in  
 2 person or virtually.

3 Give me a minute. Let me just get in  
 4 the document real quick and see what that  
 5 looks like. In the document, okay, so that I  
 6 could see where everybody landed accordingly,  
 7 but not a new document or to create something  
 8 differently for me to consider. I just wanted  
 9 to know for my own purposes and informed  
 10 decisionmaking where they landed.

11 Q. For the ones who applied for the  
 12 executive directors' positions, for the scores  
 13 I just gave you, can you give me back any of  
 14 them?

15 A. No.

16 MR. FOX: Objection to the form.

17 THE WITNESS: No. And that's also  
 18 not what we did.

19 BY MS. STEINER:

20 Q. Okay. Okay. Can you explain from  
 21 looking at this document what you did?

22 A. So --

23 MR. FOX: Objection to the form.

24 THE WITNESS: -- so, I didn't do it.

25 Chris was able to walk through it and to take

1 but that wasn't the intent for this particular  
 2 document.

3 Q. Okay. Let's go through this: Carl  
 4 Carter, 3.6; Perry, 3.2; Gibbs, 3.9; Shumate,  
 5 3.8; Turner, 3.1; Kovach, 3.7; Stewart, 3.6;  
 6 Hammond, 3.2; Cathey -- and I'm just making  
 7 these up -- 3.7; Felicia Everson-Tuggle, 3.2;  
 8 Wilson, 3.3; Ball, 2.8; Witty, 3.2; Diaz, 3.3;  
 9 Springer, 3.3; Leffler, 3.7; Gallman, 3.3;  
 10 Snorten, 3.5; Edwards, 3.8; Pippa Meriwether,  
 11 3.7; Conley, 3.2; Snorten, 3.5; Faegins, 3.7;  
 12 McGreal, 3.5; Woodard, 3.6; Shawn Lawrence,  
 13 3.5.

14 Okay. Did you hear those?

15 A. I did.

16 Q. Is that how he gave you the information?  
 17 MR. FOX: Objection to the form.

18 BY MS. STEINER:

19 Q. Is that how he gave you the information?

20 A. No.

21 Q. How did he give it to you then?

22 A. So, he's in the document, as I've -- as  
 23 I've explained. He -- I say we go through the  
 24 -- the scores, and I'm just curious, how do  
 25 these scores average out. He -- give me a

1 the individual scores and just kind of sum  
 2 them so that we could see what the sums and  
 3 the average scores were.

4 BY MS. STEINER:

5 Q. And did he -- did he use an Excel? Did  
 6 he add them up on this spreadsheet?

7 A. I think he was doing a combination of the  
 8 -- of the two, just to make sure he was getting  
 9 them right. And this, uh-huh.

10 Q. He was doing a combination of  
 11 spreadsheet?

12 A. Spreadsheet and just backing it up with  
 13 some calculations on some --

14 Q. Did he handwrite down any of the scores?

15 A. I -- not to my recognition. We were --  
 16 we were definitely looking at a screen. He  
 17 definitely did not give me any hardcopy  
 18 documents.

19 And again, that was additional  
 20 information that I wanted to help me make an  
 21 informed decision.

22 Q. And did you actually look at his  
 23 calculations on the spreadsheet?

24 A. I looked at the sum totals.

25 Q. And can you tell me today what the sum

1 totals -- well, I know you probably couldn't  
 2 -- for any of those applicants were? Do you  
 3 know who scored the highest?

4 **A. I do not recall.**

5 Q. Okay. And were you the one, then, that  
 6 made the decision to add -- to hire Chad High?

7 **A. I'm ultimately the decisionmaker --**

8 Q. Okay.

9 **A. -- for these decisions.**

10 MS. STEINER: Can we have this  
 11 spreadsheet marked the next-numbered exhibit  
 12 to the deposition today?

13 MR. FOX: Yes, no objection.

14 (WHEREUPON, a document was marked  
 15 Exhibit No. 4.)

16 MR. FOX: Is that Number 3?

17 THE REPORTER: That's Number 4.

18 MS. HARBISON: 4.

19 MR. FOX: 4.

20 BY MS. STEINER:

21 Q. Okay. Did you know that one of the  
 22 interviewers said Chad High could barely  
 23 answer the questions?

24 **A. No, I'm not aware of that.**

25 Q. Did you know that one of the

1 Q. Witty?

2 **A. Yes.**

3 Q. Had he engaged in any protected  
 4 activity?

5 **A. Not that I'm aware of.**

6 Q. Okay. What about Natalie Gibbs (sic),  
 7 Renita Perry, Lendozia Edwards, Chae Snorten,  
 8 Craig Hammon -- Hammond, Carl Carter, David  
 9 Kovach, Robin Shumate, Tracy McPherson, Susan  
 10 Cochran, had any of those people engaged in  
 11 protected activity that you knew of?

12 **A. Not that I was aware of.**

13 Q. Okay. What about Chad High, Cecelia  
 14 Conley, Karen Desouza Gallman, Shawn Lawrence,  
 15 Felicia Tuggle, or Schunn -- Schunn Turner,  
 16 had they engaged in any protected activity  
 17 that you knew of?

18 **A. Not that I was aware of. I mentioned  
 19 earlier that I was aware Schunn had some --  
 20 had filed a complaint of some sort.**

21 Q. Okay. And Schunn was an associate  
 22 superintendent, correct?

23 **A. She was a community super -- no, they  
 24 were associate superintendents at that time.**

25 Q. Yeah.

1 interviewers said that he probably gave him a  
 2 low score?

3 **A. Can you ask me that question again?**

4 Q. Did you -- did you know that one of the  
 5 interviewers testified that he probably gave  
 6 him a low score?

7 **A. I've just learned that recently, but not  
 8 during this interview process.**

9 Q. (Attorney reviews document.)

10 Okay. Now... (Attorney reviews  
 11 document.)

12 Now, of the people who interviewed for  
 13 the executive director positions, I want to go  
 14 through these people with you.

15 Had Steve Ball, do you know who he is?

16 **A. I do.**

17 Q. Did you know him?

18 Okay. Did -- had he engaged in any  
 19 protected activity that you were aware of in  
 20 the Spring of 2020 that you knew about, he  
 21 could have engaged in it before, but that you  
 22 knew of in 2020?

23 **A. No, I don't recall.**

24 Q. James Witty, do you know him?

25 **A. James who?**

1 **A. Yes.**

2 Q. And -- and she had been an associate  
 3 superintendent for how long?

4 **A. For -- she was an associate  
 5 superintendent for the 2019/2020 school year.**

6 Q. Okay. And as an associate  
 7 superintendent, the executive directors  
 8 reported to her, correct?

9 **A. Yes.**

10 Q. Okay. And so, she was chosen for an  
 11 executive director position, correct?

12 **A. She was selected as an executive  
 13 director.**

14 Q. At that point did she have her lawsuit  
 15 against Metro Schools for pay disparity?

16 **A. I'm not sure of the exact timing. I  
 17 believe she did.**

18 Q. Okay. And going from an associate  
 19 superintendent to an executive director  
 20 position is a step down, correct?

21 **A. That's correct.**

22 Q. Okay. Now, of the people who were  
 23 executive directors, Tracy McPherson and  
 24 Susan Cochran were retiring, correct?

25 **A. I know that Susan was officially**

1 retiring. I'm not sure of Tracy's specific  
 2 designation.  
 3 Q. Robin Shumate, why was she not selected  
 4 as an executive director?  
 5 A. So, we go through a phased interview  
 6 process. And she was not selected, I would  
 7 imagine, based upon the phases of those  
 8 interviews. But also, I have a lot of  
 9 institutional knowledge around the skill sets  
 10 and performances of our executive directors  
 11 and our principals. And so, I also have the  
 12 obligation of layering that information in to  
 13 make an informed decision around our new  
 14 executive directors.  
 15 Q. Had any of these individuals who had  
 16 applied for an executive director position,  
 17 had any of them -- were any of them kin to  
 18 someone who had sued Metro Schools for  
 19 retaliation and discrimination, other than  
 20 Lily Leffler?  
 21 A. Can you just pull up that list again?  
 22 Q. Let me tell you the list, because I  
 23 don't think the list on the Excel sheet is  
 24 accurate.  
 25 Steve Ball, James Witty, Natalie --

1 A. Again, not that I recall, but I've --  
 2 I've got a short tenure in this particular  
 3 role, so I can't reflect back to what other  
 4 directors have experienced, but not to my  
 5 knowledge.  
 6 Q. Okay. I'm asking for your knowledge  
 7 only.  
 8 A. That's what I answered, not to my  
 9 knowledge.  
 10 Q. Okay. Now, were you the one who made  
 11 the decision to eliminate the associate  
 12 superintendent positions?  
 13 A. Yes.  
 14 Q. Okay. Were you aware that -- that you  
 15 only had four associate superintendents,  
 16 correct?  
 17 A. Yes. And I was previously one of them,  
 18 yes.  
 19 Q. Were you aware that Pippa Meriwether had  
 20 supported Dr. Bailey in his decisions with  
 21 regard to your brother and the discipline  
 22 meted out to him?  
 23 A. I'm aware that Pippa was Dr. Bailey's  
 24 direct supervisor and would have, because of  
 25 the process, been a part of coaching

1 Natalyn Gibbs, Renita Perry, Lendozia Edwards,  
 2 Chae Snorten, Craig Hammond, Carl Carter,  
 3 David Kovach, Chad High, Cecilia Conley, Karen  
 4 Desouza Gallman, Shawn Lawrence, Felicia  
 5 Tuggle, Schunn Turner, Robin Shumate, Tracy  
 6 McPherson, Susan Cochran.  
 7 A. I would actually have to rely upon my  
 8 HR team to -- who maintains that information  
 9 to advise me around if there were others.  
 10 There's one or two that I would want to ask  
 11 them about.  
 12 Q. Okay. I'm not asking you what your HR  
 13 team knows.  
 14 What I want to know is this: Today, do  
 15 you know of any of these individuals who were  
 16 kin to someone who sued Metro Schools for  
 17 discrimination or retaliation, other than  
 18 Lily Leffler?  
 19 A. I don't think so. There's a possibility  
 20 of one other one, but I don't believe so.  
 21 Q. Okay. And back in the Spring of 2020,  
 22 did you know of any of these individuals who  
 23 were kin to someone who had sued Metro Schools  
 24 for discrimination, retaliation, other than  
 25 Lily Leffler?

1 **Principal Bailey.**  
 2 Q. Okay. And were you aware that Dr.  
 3 Cathey had complained of -- of the  
 4 falsification of grades? I think you  
 5 testified earlier you were, correct?  
 6 A. At another school.  
 7 Q. Uh-huh.  
 8 A. So, just to be clear, he was --  
 9 Q. Uh-huh.  
 10 A. -- supervising a principal at another  
 11 school where he had some concerns about the  
 12 grading practices --  
 13 Q. Okay.  
 14 A. -- and a -- and a few other things.  
 15 Q. When you say "another school", are you  
 16 talking about Williamson County or are you  
 17 talking --  
 18 A. In Davidson County, but I'm --  
 19 Q. A Davidson County school?  
 20 A. -- I'm just trying to make sure we're  
 21 not confusing --  
 22 Q. Uh-huh.  
 23 A. -- those two incidents to be in the same  
 24 space, because they were not.  
 25 Q. Okay. And do you know that -- and I

1 think you've already said this, Schunn Turner  
 2 was an associate director -- superintendent  
 3 too, correct?  
**4 A. Yes.**  
 5 Q. Okay. And, then, the fourth one was --  
 6 what was her name, the fourth superintendent,  
 7 associate superintendent?  
**8 A. What year are you referring to?**  
 9 Q. 2020.  
**10 A. Michelle Springer.**  
 11 Q. Okay. And what is your relationship to  
 12 Ms. Springer?  
**13 A. Colleagues.**  
 14 Q. Okay. Are you friends with her?  
**15 A. I've been -- I've been -- I've been her**  
**16 direct supervisor.**  
 17 Q. Okay. Are you also friends with her?  
**18 A. I -- I think we've maintained a -- a**  
**19 very professional relationship.**  
 20 Q. Are you friends with her, though?  
**21 A. I think we're friendly. I think --**  
 22 Q. Uh-huh.  
**23 A. -- we're very professional in our -- in**  
**24 regards to both our professional and personal**  
 25 **lives.**

**1 for our colleagues and our teams.**  
 2 Q. When you eliminated the superintendent  
 3 position, the associate superintendent  
 4 position, Ms. Springer actually ended up with  
 5 a better job, didn't she?  
**6 A. Well, it depends on what you deem a**  
**7 better --**  
 8 Q. Higher pay? Uh-huh.  
**9 A. -- a better job.**  
 10 Q. Okay. What job did she end up with?  
**11 A. She, if I remember correctly, she**  
**12 interviewed to be an executive director. And**  
**13 then she also interviewed to be the chief of**  
**14 student services.**  
 15 Q. And was she hired as chief of student  
 16 services?  
**17 A. She was.**  
 18 Q. And do you know how much that pays?  
**19 A. \$185,000.**  
 20 Q. Okay. And she had not engaged in any  
 21 protected activity that you knew of, correct?  
**22 A. That's correct.**  
 23 Q. She had nothing to do with your brother  
 24 losing his job, correct?  
**25 A. I don't -- I don't believe so. I don't**

1 Q. Do your families get together?  
**2 A. Our -- so, there are times where we're**  
**3 at school events or other events where our**  
**4 families both might be there. We also do**  
**5 outings with my entire cabinet, and we invite**  
**6 our families to come and be a part of that --**  
 7 Q. Uh-huh.  
**8 A. -- because our -- our work together**  
**9 extends beyond what we just do within the**  
**10 walls of our organization.**  
 11 Q. Have you ever gone and met with Ms.  
 12 Springer outside of anything that's job  
 13 related for fun, like to go get lunch, to go  
 14 get dinner, to go on a vacation, to go to a  
 15 game?  
**16 A. I wouldn't go as far as the vacation.**  
 17 Q. Uh-huh.  
**18 A. But, I mean, generally what colleagues**  
**19 would do, grabbing lunch --**  
 20 Q. Uh-huh.  
**21 A. -- going to a school event or a -- a**  
**22 city event that, you know, helps us move**  
**23 things along, absolutely.**  
 24 Q. Okay. Now --  
**25 A. And I don't think that would be uncommon**

**1 recall.**  
 2 Q. Okay. So, of the four associate  
 3 superintendents, three had engaged in some  
 4 sort of activity that would have been  
 5 protected, and Ms. Mossey Springer had not and  
 6 she ended up with a better job, correct?  
 7 MR. FOX: Objection to the form.  
**8 THE WITNESS: She ended up going**  
**9 through the interview process.**  
 10 BY MS. STEINER:  
 11 Q. Uh-huh.  
**12 A. And as a result of that interview**  
**13 process and assessment, she was selected as**  
**14 the Chief of Student Services.**  
 15 Q. Okay. Which is a better job, correct?  
**16 A. It is a higher paying job. I don't know**  
**17 your definition of a better job.**  
 18 Q. Now, for Jenai Hayes, she had her  
 19 position eliminated too, correct?  
**20 A. Her position was repurposed, if you**  
**21 will.**  
 22 Q. And were you the one who made the  
 23 decision to repurpose her position and remove  
 24 Jenai Hayes from that position?  
**25 A. It was my decision for -- to make the**

1 decision regarding the position and to  
 2 reorganize in the state that we're currently  
 3 in.  
 4 Q. Okay. And why did you decide to  
 5 eliminate Jenai -- Jenai Hayes's position?  
 6 A. That specific position was repurposed  
 7 because we had some very specific needs as a  
 8 -- as a district. As we were responding to  
 9 the pandemic and as we were thinking through  
 10 our equity work and needing to put a very  
 11 targeted lens around our equity work in -- in  
 12 all things related to school choice and our  
 13 enrollment and just decisions, programmatic  
 14 decisions that we were making, including  
 15 expanding our opportunity to offer  
 16 professional development around our equity  
 17 work.  
 18 Q. And by "equity", what do you mean by  
 19 that? Equity, is that diversity?  
 20 A. It's diversity, equity and inclusion is  
 21 the -- what we've included in that.  
 22 Q. Okay. Do you know what Ms. -- Ms. Doe's  
 23 experience is with regard to equity and  
 24 inclusion?  
 25 A. I know a -- a little bit about her

1 removing -- who made the decision about who  
 2 would be hired in in the position of Equity  
 3 and Inclusion?  
 4 A. The chief of that department did.  
 5 Q. Did you have any input into that  
 6 decision?  
 7 A. No.  
 8 Q. Did you know that the job required a  
 9 master's?  
 10 A. I don't remember the specific job  
 11 requirements. We have hundreds of --  
 12 Q. Okay.  
 13 A. -- job descriptions.  
 14 Q. If -- if a job does require a master's  
 15 degree, should the person who's being put in  
 16 the job have a master's degree?  
 17 A. Well, it -- typically it will say -- it  
 18 will say what is preferred in the role.  
 19 Again, I don't remember that specific job  
 20 description, but we do try to at least state  
 21 what is preferred. Sometimes it will have  
 22 "required", and we try to stick to those as  
 23 much as possible, but our ultimate  
 24 responsibility is to select the -- the -- the  
 25 best candidate for those positions and to fill

1 background just simply because of the role she  
 2 was in prior to. And I believe she also was  
 3 eligible and did interview for that position  
 4 as well.  
 5 Q. Did you or anyone, to your knowledge,  
 6 ask Ms. Hayes or Jane Doe what her experience  
 7 was with regard to diversity and equity?  
 8 A. Again, I would have to rely on the team.  
 9 I did not conduct those specific interviews.  
 10 So, as a part of the interview process, that  
 11 would be a question for those -- for the team  
 12 that led that interview cycle.  
 13 Q. And for the interviews for Jenai Hayes,  
 14 how did you -- or for that position, how did  
 15 you learn of what was said in the interviews  
 16 and how the scores occurred?  
 17 A. That was not my responsibility. That --  
 18 that process was led by another chief.  
 19 Q. Did the other chief tell you what  
 20 occurred in the interviews?  
 21 A. No.  
 22 Q. And was that Hank Clay?  
 23 A. I believe so. That was Hank who did  
 24 that particular interview cycle.  
 25 Q. Okay. And who made the decision about

1 those positions.  
 2 Q. Okay. And does it make a difference  
 3 whether or not it is required or whether or  
 4 not it is preferred?  
 5 A. Yeah, I would -- again --  
 6 Q. Uh-huh.  
 7 A. -- I would have to rely on my HR team to  
 8 make -- they make those determinations.  
 9 Sometimes when it's -- by law if it's a  
 10 certificated position, we do have requirements  
 11 that we have to meet by State law.  
 12 On our support-staff side we have lots  
 13 more flexibility around what those specific  
 14 job requirements are and what previous  
 15 training is required to be in them. So, some  
 16 of -- sometimes there are things that we might  
 17 add or prefer, but not necessarily require as  
 18 a part of the hiring process. There's a  
 19 different kind of level of requirement for  
 20 certificated versus support staff.  
 21 Q. Okay. And this was a certificated. The  
 22 Executive Officer of Equity, Diversity, and  
 23 Inclusion is certificated, correct?  
 24 A. No.  
 25 Q. It's not a certificated?

1 A. No. I believe that should be classified  
 2 as a support-staff position.  
 3 Q. Okay. Let me show you this document.  
 4 Can you see it?  
 5 A. Yes, I can.  
 6 Q. Okay. Good.  
 7 Okay. And is this the job description  
 8 of the Executive Officer of Diversity, Equity,  
 9 and Inclusion?  
 10 A. It appears to be.  
 11 Q. Okay.  
 12 A. And you can also see that it's  
 13 classified as a support position.  
 14 Q. Okay. And do you see down here under  
 15 "education", required minimum, master's  
 16 degree?  
 17 A. (Witness reviews document.)  
 18 Q. Do you see that?  
 19 A. I see that.  
 20 Q. Okay. And with regard to Metro Schools,  
 21 does that mean that the person who gets this  
 22 job needs a master's?  
 23 A. I mean, generally speaking we try to  
 24 follow what we have in our job description,  
 25 but ultimately if it's not a requirement by

1 BY MS. STEINER:  
 2 Q. Okay. But that's under required  
 3 minimum, correct?  
 4 A. Uh-huh. Uh-huh. But it also says  
 5 "preferred".  
 6 Q. Okay.  
 7 MS. STEINER: Now, could we have  
 8 this job description marked the next-numbered  
 9 exhibit.  
 10 MR. FOX: No objection.  
 11 (WHEREUPON, a document was marked as  
 12 Exhibit No. 5.)  
 13 BY MS. STEINER:  
 14 Q. Who took over School Choice when Jenai  
 15 Hayes's position was eliminated?  
 16 A. That -- that department was restructured  
 17 a little bit where the new Director of  
 18 Diversity, Equity, and Inclusion led the work  
 19 in collaboration with our director of -- I'm  
 20 going to call them Enrollment. I know there's  
 21 a more specific title than enrollment, but  
 22 part of that department has someone who  
 23 specializes in looking at our projections in  
 24 enrollment and where seats might be available.  
 25 Q. Who is in charge of School Choice now?

1 the State, particularly in our support  
 2 positions, we try to make sure that we have  
 3 the -- the best, most qualified candidate for  
 4 the position.  
 5 Q. Did you know Jenai Hayes has a master's  
 6 degree?  
 7 A. I -- I don't know her specific  
 8 credentials right off.  
 9 Q. Did the person who took the --  
 10 A. Can you --  
 11 Q. -- executive officer --  
 12 A. Can you scroll back down for just a  
 13 second?  
 14 Q. Yeah. (Attorney complies.)  
 15 A. (Witness reviews document.)  
 16 Q. Is that --  
 17 A. No, go -- can you scroll back up? Up,  
 18 up, up, up.  
 19 MR. FOX: The degree -- the degree.  
 20 THE WITNESS: (Witness reviews  
 21 document.)  
 22 Oh, okay. And so, if you look at  
 23 the education, it says, "Required minimum,  
 24 master's degree from an accredited college or  
 25 university preferred."

1 A. Our director of equity -- our Director  
 2 of Diversity, Equity, and Inclusion.  
 3 Q. And that is Ashford Hughes?  
 4 A. That is correct.  
 5 Q. Okay. And that's what Ms. Hayes did?  
 6 A. That is what she did, and it is a part  
 7 of what he does.  
 8 Q. Okay. And what --  
 9 A. It's one of his many roles and  
 10 responsibilities.  
 11 Q. What else -- and had he had any  
 12 experience in -- in School Choice, to your  
 13 knowledge, before he got this position?  
 14 A. See, not -- from my awareness, not  
 15 specifically around School Choice.  
 16 What we were envisioning in this role  
 17 was the equity lens in our school choice  
 18 decision. So, it -- it requires us to think  
 19 about what we're doing as far as equity and  
 20 how can we meet the needs of all students when  
 21 they have those needs.  
 22 And so, a part of that under my vision  
 23 is the School Choice prior to process itself,  
 24 in conjunction with where our projections and  
 25 our enrollment will land year over year.

1 Q. Okay. Did Mr. Clay give you any reason  
2 for why he did not hire Jenai Hayes in that  
3 position?

4 **A. No.**

5 Q. Did he give you any reason for why he  
6 hired Ashford Hughes in that position?

7 **A. After the recommendation was made, we  
8 talked through what Ashford Hughes possessed  
9 and why he would be a good fit for -- for the  
10 position.**

11 **But I want to be clear that when it  
12 comes to the principal selections, that's my  
13 responsibility, as long -- as well as hiring  
14 our chiefs and a few other positions.**

15 **But our -- my chiefs lead their  
16 individual departments in their hiring  
17 process.**

18 Q. Okay. But did it have to be approved by  
19 you ultimately?

20 **A. No.**

21 Q. Okay. Did you know that Lisa Spencer  
22 told Jenai Hayes -- did you know that Jenai  
23 Hayes told Lisa Spencer that she  
24 thought she had lost her job because of  
25 retaliation?

1 **A. I'm unaware.**

2 Q. Okay. Did you know that Lisa Spencer  
3 told Jane Doe, YOU don't want to say that.  
4 That will get around to places you don't want  
5 it to go, about the retaliation?

6 **A. I'm unaware.**

7 MR. FOX: Objection to the form.

8 BY MS. STEINER:

9 Q. Okay. Now, when Jane Doe made the  
10 complaints about her son, do you recall -- the  
11 whole issue of how to -- how to -- "How to  
12 Make a Slave", the whole issue with regard to  
13 that lesson, do you recall that making local  
14 news?

15 **A. I do.**

16 Q. Do you recall it making national news?

17 **A. I can't say I recall it making national  
18 news, but I do know it made local news.**

19 Q. Okay. And do you know -- did it make  
20 the papers as well, the press here?

21 **A. It may have. I just don't recall.**

22 Q. Uh-huh. Did you have -- did you  
23 consider it to be an embarrassment to the  
24 school?

25 **A. No, I didn't consider it an**

1 **A. Repeat that question?**

2 Q. Did you know Jenai Hayes told Lisa  
3 Spencer she thought she lost her job because  
4 of retaliation?

5 **A. I don't recall being aware of that  
6 specific conversation.**

7 Q. If -- if Jane Doe had said that to Lisa  
8 Spencer, should it have been reported and  
9 investigated?

10 MR. FOX: Objection to the form.

11 **THE WITNESS: Well, if she reported  
12 it to an HR manager, I would assume the  
13 manager would have either responded to her or,  
14 if need be, brought in other folks to look  
15 into it. But she -- she reported it to one of  
16 our executive directors in HR.**

17 BY MS. STEINER:

18 Q. And is Lisa Spencer in HR?

19 **A. Yes.**

20 Q. Is she an executive director?

21 **A. She was at the time.**

22 Q. Okay. And do you know whether or not  
23 Lisa Spencer filed any formal acknowledgment  
24 that Jane Doe had said she was being  
25 retaliated against?

1 **embarrassment. I think what was most  
2 important is when there is a concern, we were  
3 able to investigate it and deal with it  
4 accordingly, and I think we're pretty prompt  
5 in our response and following up with the  
6 teachers and student teacher and university  
7 that was involved.**

8 **And so, I didn't see it as an  
9 embarrassment. I saw it as an -- an  
10 opportunity to coach and to provide feedback,  
11 but also to, you know, hold those accountable  
12 for our expectations for our instructional  
13 texts that we use in our classrooms.**

14 Q. Do you know who reported the incident to  
15 the press?

16 **A. I do not.**

17 Q. Did you make statements or have  
18 discussions any -- with anyone about Jane Doe  
19 reporting it to the press?

20 **A. I think Damon might have mentioned it to  
21 me. I think he was supervising the school at  
22 the time. But again, I think I definitely  
23 didn't have that firsthand knowledge. I think  
24 Damon might have mentioned it to me.**

25 Q. And did Dr. -- you mean Dr. Cathey,

1 correct?  
 2 **A. Yes.**  
 3 Q. Okay. And he mentioned to you that  
 4 Jane Doe had gone to the press about the "How  
 5 to Make a Slave"?  
 6 **A. I think he was just trying to think**  
 7 **through, like, where did this all come from?**  
 8 **How might it have gotten there? Who might it**  
 9 **involve? Because he was doing the**  
 10 **investigation --**  
 11 Q. Uh-huh.  
 12 **A. -- at the school. And so, I think he**  
 13 **might have, you know, suggested that maybe it**  
 14 **came from --**  
 15 Q. Jane Doe?  
 16 **A. Is it Jane Doe?**  
 17 Q. Okay. And he suggested that to you,  
 18 correct?  
 19 **A. Uh-huh.**  
 20 Q. Okay. Is that a "yes" --  
 21 **A. Yes.**  
 22 Q. -- for the record?  
 23 You've done really well with that. Most  
 24 of the time I stop people way before this.  
 25 Okay. Now --

1 **A. 2015.**  
 2 Q. Okay. And what was your husband's name?  
 3 **A. Dominique Koger.**  
 4 Q. And -- and your new husband, what is his  
 5 name?  
 6 **A. Darren Kennedy.**  
 7 Q. Okay. And is it -- is it true that you  
 8 actually were dating Mr. Kennedy while you  
 9 were married to Deon?  
 10 **A. Dominique.**  
 11 Q. Dominique?  
 12 **A. No, that's not accurate.**  
 13 Q. Do you recall Dr. Bailey, rather than  
 14 saying people thought he was dating you,  
 15 asking -- telling you that people were asking  
 16 him were you dating Darren Kennedy?  
 17 **A. No, that is not accurate.**  
 18 Q. Okay. Do you recall Dr. Cathey coming  
 19 up to you and telling you that there were  
 20 rumors out there that you were dating Darren  
 21 Kennedy while you were married to your first  
 22 husband or second husband?  
 23 **A. No.**  
 24 Q. Do you recall anybody at any point  
 25 asking you or telling you that there were

1 MR. FOX: Off the record a second.  
 2 Sounded like you're about to go into another  
 3 topic.  
 4 MS. STEINER: Go on to --  
 5 MR. FOX: Yeah. Well, or some type  
 6 of break.  
 7 MS. STEINER: Okay. Let's break.  
 8 That's fine.  
 9 THE VIDEOGRAPHER: We are off the  
 10 record at 12:09 p.m.  
 11 (Lunch break.)  
 12 THE VIDEOGRAPHER: We are on the  
 13 record at 1:20 p.m.  
 14 BY MS. STEINER:  
 15 Q. Dr. Battle, I want to go back and ask  
 16 you just a couple of follow-ups about  
 17 something you had said earlier.  
 18 You said that Dr. Bailey had come up to  
 19 you and said, somebody asked him about whether  
 20 or not you two were dating; is that right?  
 21 **A. That's correct.**  
 22 Q. Okay. And you said that happened in  
 23 2015?  
 24 **A. Uh-huh. Yes.**  
 25 Q. Okay. What year did you get divorced?

1 rumors out there that you were dating Mr.  
 2 Kennedy?  
 3 **A. No.**  
 4 Q. Did Mr. Kennedy work for Metro Schools?  
 5 **A. He did.**  
 6 Q. Okay. And in your domestic case, did  
 7 your husband accuse you of dating Mr. Kennedy  
 8 while you were married to him?  
 9 **A. No, he did not.**  
 10 Q. That allegation was not contained at all  
 11 in the divorce?  
 12 **A. Not at all.**  
 13 Q. Okay. Do you recall anyone at any point  
 14 in time making any allegation that you were  
 15 dating Mr. Kennedy?  
 16 **A. I don't recall any allegation of such.**  
 17 Q. Okay. Now, if a -- when you became the  
 18 Director of Schools or maybe even before that,  
 19 were you trained by Metro about the difference  
 20 between, like, a non-renewal and an elimination  
 21 of a position?  
 22 **A. Trained by Metro Schools?**  
 23 Q. Yes.  
 24 **A. Not differently from the way I'd been**  
 25 **trained as a long-time administrator in the**

1 **District.**  
 2 Q. Okay. Were you aware, then, that there  
 3 were different code sections that apply, one  
 4 applies for a non-renewal and one applies if  
 5 it's an elimination of a position?  
 6 **A. Can you ask that question again?**  
 7 Q. Were you aware that there were different  
 8 Tennessee laws that apply, one for a  
 9 non-renewal and one for the elimination of a  
 10 position?  
 11 **A. I am aware that those two things are**  
 12 **treated differently, yes.**  
 13 Q. Okay. And are you aware that if a  
 14 position is eliminated, it has to be approved  
 15 by the school board?  
 16 **A. I'm aware that I have the authority to**  
 17 **make the hiring decisions of Metro Nashville**  
 18 **Public Schools, and while not required to get**  
 19 **approval from the school board, I did put it**  
 20 **before the school board for approval. In this**  
 21 **particular situation it was not required, but**  
 22 I did.  
 23 Q. Put what?  
 24 **A. The reorganization.**  
 25 Q. Okay. Were you aware that if a position

1 Did you know that the school board has  
 2 got to approve the elimination of positions?  
 3 MR. FOX: Objection to the form.  
 4 **THE WITNESS: I am aware through our**  
 5 **budgeting process that the school board must**  
 6 **approve any adjustments in FTEs regard -- with**  
 7 **regards to our operating budget.**  
 8 BY MS. STEINER:  
 9 Q. So, it's only if you -- if you lose a  
 10 full-time position they have to be aware of  
 11 it?  
 12 **A. If we -- if any adjustments with regards**  
 13 **to our FTE has a direct impact to our budget,**  
 14 **our board has the final approval of that.**  
 15 Q. Okay. So, then, the board does not have  
 16 to approve the elimination of all positions,  
 17 correct?  
 18 **A. So, if -- and I would -- again, would**  
 19 **allow my HR team to advise more in this area,**  
 20 **but if we have a change in our FTEs that goes**  
 21 **before the board for approval.**  
 22 MR. FOX: Objection. Let me object  
 23 to the extent this calls for a legal analysis  
 24 as well.  
 25 ///

1 is eliminated, if you reduce the number of a  
 2 non-licensed position or a teaching position  
 3 in the system, the board has to do that?  
 4 **A. What I'm aware of in this particular**  
 5 **situation, that I put the approvals before the**  
 6 **board for approval.**  
 7 Q. My question to you is different. Okay?  
 8 **A. Uh-huh.**  
 9 Q. Did you know that the school board has  
 10 to approve the elimination of positions at  
 11 Metro Schools?  
 12 **A. I'm aware that the school board**  
 13 **approves, particularly our budget, around the**  
 14 **number of FTEs we've had and how we budget for**  
 15 **those.**  
 16 MR. FOX: Yeah. Objection to the  
 17 form.  
 18 BY MS. STEINER:  
 19 Q. So, I can't tell from that whether it's  
 20 yes or no. I -- I have no idea what your  
 21 answer is to this.  
 22 MR. FOX: Objection to the form.  
 23 BY MS. STEINER:  
 24 Q. Do you know, and it could be "no", and  
 25 if that's the answer, that's fine.

1 BY MS. STEINER:  
 2 Q. So, by FTEs, do you mean that if you  
 3 have a particular department or a particular  
 4 function, okay, if you have a particular  
 5 department or particular function and you have  
 6 ten people in that function and you decide,  
 7 I'm going to eliminate -- I'm going to  
 8 eliminate three of the positions, and let's  
 9 just name them chef one, chef two, chef three,  
 10 the chefs are gone, but I'm going to put in  
 11 their position vice-presidents, vice-president,  
 12 vice-president, vice-president.  
 13 And so, the function, the number of FTEs  
 14 in that function stays the same or that  
 15 department stays the same, is that the type  
 16 situation where you do not have to go in front  
 17 of the board?  
 18 MR. FOX: Objection to the form.  
 19 **THE WITNESS: Yeah, I typically do**  
 20 **not have to go to the board for approval when**  
 21 **I'm repurposing positions or I'm making**  
 22 **informed decisions based upon the approved**  
 23 **budget to carry out the functions of the**  
 24 **organization.**  
 25 ///

1 BY MS. STEINER:  
 2 Q. And who told you that?  
 3 **A. By State law I have the authority.**  
 4 Q. Okay. Let's pull up the State law real  
 5 quick.  
 6 MS. HARBISON: Okay. I'm going to  
 7 invite you guys again to the --  
 8 MR. FOX: Yeah.  
 9 MS. HARBISON: -- Zoom, because it --  
 10 it --  
 11 MR. FOX: Yes, I'm --  
 12 MS. HARBISON: Yeah.  
 13 MR. FOX: It says, Meeting host will  
 14 let me in soon.  
 15 MS. HARBISON: Yeah. It, I think,  
 16 shut off because it was inactive. (Attorney  
 17 reviews document.)  
 18 Okay. I just sent it to you guys.  
 19 (Respite.)  
 20 MS. STEINER: I've got to sign into  
 21 the browser again, I think.  
 22 MS. HARBISON: Oh, it made me do  
 23 that, where I had to accept the Metro use  
 24 policy again.  
 25 (Respite.)

1 And, then, Ann, I'm going to make  
 2 you a host. Okay.  
 3 MS. STEINER: I can join again?  
 4 MS. HARBISON: It looks like you're  
 5 in. I think -- if you minimized it, remember,  
 6 it kind of -- there it is. There it is.  
 7 Yeah.  
 8 MS. STEINER: Things driving me  
 9 bananas. Okay. Here we go.  
 10 BY MS. STEINER:  
 11 Q. Okay. Dr. Battle, can you see what I've  
 12 put up on the screen?  
 13 **A. (Witness reviews document.)**  
 14 I can.  
 15 Q. Is this Tennessee Code Annotated  
 16 49-5-511?  
 17 MR. FOX: Objection to the form that  
 18 this -- to the extent this is calling for a  
 19 legal analysis.  
 20 BY MS. STEINER:  
 21 Q. Is that what this is, Dr. Battle? Does  
 22 it look like a copy of Tennessee Code  
 23 Annotated 49-5-511?  
 24 **A. Yes.**  
 25 Q. Okay. And does this show the reasons

1 MS. HARBISON: Has my e-mail come  
 2 through?  
 3 MR. FOX: Yeah, I just -- just now  
 4 clicked on the wrong thing. I clicked on the  
 5 old one.  
 6 MS. HARBISON: Oh, okay. I just  
 7 wanted to make sure --  
 8 MR. FOX: Okay. I want to click on  
 9 the new one.  
 10 MS. HARBISON: I didn't --  
 11 MR. FOX: I had too many Zoom  
 12 meetings opened all at the same time, I think.  
 13 MS. HARBISON: Oh, okay. I didn't  
 14 put a subject line, so I --  
 15 MR. FOX: Okay. Here we go.  
 16 MS. HARBISON: -- was nervous it  
 17 might have gotten caught by the spam. There  
 18 you are.  
 19 MR. FOX: Okay. Okay.  
 20 (Respite.)  
 21 MR. FOX: I don't see Ann, though.  
 22 MS. HARBISON: Yeah, I think she's  
 23 joining now.  
 24 MR. FOX: Okay.  
 25 MS. HARBISON: There she is.

1 for which you can actually fire or suspend a  
 2 teacher?  
 3 **A. (Witness reviews document.)**  
 4 Q. Under (a)(2)?  
 5 **A. Yes.**  
 6 Q. And the causes for which a teacher may  
 7 be dismissed or suspended are incompetence,  
 8 inefficiency, neglect of duty, unprofessional  
 9 conduct, and insubordination; is that correct?  
 10 **A. That's correct.**  
 11 Q. None of the plaintiffs have been charged  
 12 with any of those, correct?  
 13 **A. That is correct.**  
 14 Q. Okay. And, then, if you go down to part  
 15 (b) that I scrolled down to here, and do you  
 16 see where it says (b)(1)?  
 17 **A. Uh-huh.**  
 18 Q. And it says, "When it becomes necessary  
 19 to reduce the number of teaching positions or  
 20 non-licensed positions in the system because  
 21 of a decrease in enrollment or for other good  
 22 reasons, the board shall be empowered to  
 23 dismiss such teachers or non-licensed  
 24 employees based on their level of  
 25 effectiveness."

1 Do you see that?  
 2 A. I do.  
 3 Q. Okay. And do you agree that that means  
 4 that the school board is the entity that has  
 5 to make the decision with regard to  
 6 eliminating positions?  
 7 MR. FOX: Objection to the form.  
 8 **THE WITNESS: Not the decision to --**  
 9 **not the recommendation to do so. It**  
 10 **specifically says, When it becomes necessary to**  
 11 **reduce the number of teaching positions or --**  
 12 **or non-licensed positions in the system**  
 13 **because of a decrease in enrollment or for**  
 14 **other good reasons, the board shall be**  
 15 **empowered to dismiss such teachers or**  
 16 **non-licensed employees based on their level of**  
 17 **effectiveness determined by the evaluation**  
 18 **pursuant to the code.**  
 19 And this particular one references  
 20 particularly the -- when -- when we are -- if  
 21 we were taking someone to the board for  
 22 termination, then the board does have to give  
 23 final approval for those employees. So, I  
 24 have to make a recommendation to the board  
 25 with regards to termination for employees.

1 back to Jenai Hayes's position and the  
 2 executive director's position, those positions  
 3 were not being eliminated. Those positions  
 4 were being repurposed for the good of the  
 5 organization.  
 6 Q. And how -- where did you obtain your  
 7 information or your idea that if it's  
 8 repurposed --  
 9 Is -- is repurposing a position  
 10 different than eliminating a position?  
 11 A. It can be. When you're talking about  
 12 the current position in the current state that  
 13 it's in, not being a standalone position but  
 14 being repurposed to in some ways encompass  
 15 that role with additional roles and  
 16 responsibilities.  
 17 Q. So, then, in the jargon that you're used  
 18 to in the school system, repurposing a  
 19 position is just completely different than  
 20 actually eliminating it, correct?  
 21 A. In most cases that would be true.  
 22 Q. Okay. And you understand the difference  
 23 between the two if we use repurpose versus  
 24 elimination?  
 25 A. Yes.

1 BY MS. STEINER:  
 2 Q. Okay. I'm not talking about termination  
 3 right now. I'm talking about the elimination  
 4 of a position.  
 5 MR. FOX: Object to the form. The  
 6 statute says "dismissed".  
 7 BY MS. STEINER:  
 8 Q. I'm talking about the elimination of a  
 9 position, okay.  
 10 Would you agree that this statute means  
 11 that the school board is the one with the  
 12 authority to eliminate positions?  
 13 MR. FOX: Objection to the form.  
 14 **THE WITNESS: Well, with regards to**  
 15 **this, the positions we're referring to, those**  
 16 **positions were put before the board for**  
 17 **approval.**  
 18 BY MS. STEINER:  
 19 Q. Was Jenai Hayes's position taken to the  
 20 board?  
 21 A. I believe her position was included.  
 22 Q. Was the executive directors taken in  
 23 front of the board?  
 24 A. Well, in those particular --  
 25 And I want to step back because going

1 Q. Okay. Now, and who makes the decision  
 2 that a position is repurposed as opposed to  
 3 eliminated?  
 4 A. Well, when it comes to our  
 5 organizational structure, those will be my  
 6 decisions, unless it is something that should  
 7 be approved by the board.  
 8 Q. And who told you that it was going to be  
 9 your decision as to whether or not a position  
 10 is repurposed or qualifies as repurposed as  
 11 opposed to eliminated?  
 12 A. Can you restate that question?  
 13 Q. Who -- how -- how did you come up with  
 14 this idea about repurposed position versus  
 15 elimination of a position? How do you define  
 16 the two?  
 17 A. Well, I -- as -- first of all, as the  
 18 Director of Schools, it is my responsibility  
 19 to make sure the operations and the structures  
 20 of our school district advance the mission of  
 21 the organization, and that requires me to  
 22 constantly review roles and responsibilities  
 23 and the impact that that's having on student  
 24 outcomes.  
 25 With regards to specific moves, I always

1 refer back to our co-annotated. I also seek  
 2 legal -- legal advisement when necessary to  
 3 make sure things are being applied in the  
 4 appropriate manner.

5 Q. Okay. When you make a decision about  
 6 something's going to be called repurposed as  
 7 opposed to elimination, what's the difference?  
 8 What are you looking at? What's the criteria?

9 **A. The criteria for such a decision is**  
 10 **based upon the needs of the organization. So,**  
 11 **and one position might be eliminated because**  
 12 **there is not a need for it or it's not**  
 13 **advancing the mission of the organization.**

14 **A position that would be repurposed is**  
 15 **one where if there -- it might exist in some**  
 16 **state but there are needs based upon the**  
 17 **district to expand those roles and**  
 18 **responsibilities.**

19 Q. Okay. If you've got a position, and  
 20 let's just do --

21 **A. Uh-huh.**

22 Q. -- a hypothetical and see if you can  
 23 help me with this. A position, executive  
 24 director position, ten job duties with it,  
 25 okay. You say we're gonna eliminate that

1 determination about whether or not the job is  
 2 repurposed or whether or not it actually  
 3 qualifies as an elimination?

4 **A. As I've communicated, we use -- we use**  
 5 **it based upon the needs of the organization,**  
 6 **so we're -- we're measuring our impact and what**  
 7 **we're able to accomplish based upon the roles**  
 8 **and responsibilities of our leaders.**

9 Q. When I say "criteria" what I'm looking  
 10 at is, is there a document out there that  
 11 says, This is what you look at when you decide  
 12 whether or not a position is being eliminated  
 13 versus whether or not a position is being  
 14 repurposed, and it has, like, different  
 15 criteria on there. Number one, how many of  
 16 the job duties are switched over? Number two,  
 17 is it in the same department? Number three,  
 18 is it same rate of pay? Number four, is it  
 19 some other similarity between the two jobs?  
 20 Is there any criteria out there like that?

21 **A. So, those -- those conversations happen**  
 22 **in conjunction and collaboration with those**  
 23 **supervisors. What are the needs? Where are**  
 24 **we? What -- what does that looks like in**  
 25 **position title, in position pay? Those are**

1 position; it's gone?

2 **A. Uh-huh.**

3 Q. Okay. But then you've got another job  
 4 that you open up over here that's got maybe  
 5 five of those job duties with it, when does  
 6 the law -- the line get drawn between saying  
 7 it's a repurposed position or it's an  
 8 elimination of a position? What are you  
 9 looking at?

10 **A. I'm looking at the needs of the**  
 11 **organization and -- and where -- where**  
 12 **outcomes have been.**

13 Q. What -- what I'm looking at is something  
 14 a little bit different. When you're defining  
 15 something and saying, Yeah, that's an  
 16 elimination; that position, those job duties  
 17 got eliminated; or no, that's a repurposing,  
 18 this is a repurpose of that job, it's my  
 19 understanding from this you're the one that  
 20 makes that decision?

21 **A. Uh-huh. It is -- it is -- it is always**  
 22 **my recommendations around what shifts we need**  
 23 **to make there, unless it's something specific**  
 24 **to a -- a different department, so.**

25 Q. Do you use any criteria for making the

1 **conversations that would happen along the way.**  
 2 **But all of those are continually grounded in**  
 3 **the needs of the organization.**

4 Q. My question's different, okay. I'm  
 5 sorry. It could be meaning with my English,  
 6 but my question is very different, okay.

7 If you have a job that's coming in to  
 8 you that you think you're going to eliminate  
 9 and it's got ten job duties to it, then you've  
 10 got another job that you're going to add on  
 11 that's got maybe three of those job duties,  
 12 okay, and you're sitting there and you're  
 13 saying, Is this an elimination or is this a  
 14 repurposing, is there any document that you'd  
 15 go to that says to make the decision between  
 16 is it repurposed or it is an elimination, you  
 17 look at X, Y, and Z?

18 **A. That is a conversation I would have with**  
 19 **my HR team --**

20 Q. Okay.

21 **A. -- on making that determination on where**  
 22 **it would land, but it's ultimately my**  
 23 **recommendation around what we're seeking to**  
 24 **accomplish.**

25 Q. Do you know if HR has any sort of a

1 document or criteria that they use to  
 2 determine whether or not it's going to be an  
 3 elimination or whether or not it's going to be  
 4 a repurposing?

5 **A. I don't know that specifically.**

6 Q. Okay. Did you talk to anyone in HR  
 7 about the elimination of the executive  
 8 director positions --

9 **A. That --**

10 Q. -- or the repurposing?

11 MR. FOX: Objection. Objection to  
 12 form.

13 **THE WITNESS: Yes. We --**

14 BY MS. STEINER:

15 Q. Who?

16 **A. Chris Barnes was my chief of HR. Mainly**  
 17 **Chris Barnes. I mean, he has some other**  
 18 **members on his team who also are a part of**  
 19 **that -- a part of those types of**  
 20 **conversations.**

21 Q. Did you talk to him about whether or not  
 22 the -- the jobs should be titled eliminations  
 23 or repurposing?

24 **A. We did, yes.**

25 Q. And what did he say?

1 **classified in that manner.**

2 Q. And when you say "classifications", did  
 3 you specifically ask him, Are these positions  
 4 eliminated or are they repurposed?

5 **A. Yes.**

6 Q. Okay. And what did he say?

7 **A. He confirmed the -- if they were**  
 8 **repurposed or if they were eliminated**  
 9 **positions.**

10 Q. And what did he say, though?

11 **A. Yes, they would be considered**  
 12 **repurposed, or yes, they would be considered**  
 13 **eliminated.**

14 Q. Okay. And so, then, who made the  
 15 decision about whether or not they were  
 16 actually going to be eliminated or repurposed?

17 Was that you?

18 **A. Yes, those were, again, my**  
 19 **recommendations.**

20 Q. Okay. And if you were to go back to  
 21 your computer today, can you find any document  
 22 on there that says, if you are going to  
 23 repurpose a position, you look at X, Y, and Z,  
 24 and if you're going to eliminate it, it's  
 25 completely eliminated?

1 **A. That based upon what I was communicating**  
 2 **and what I was recommending, that we were on**  
 3 **target with that they were considered**  
 4 **eliminated, repurposed positions and so forth.**

5 Q. What -- what did he say with regard to  
 6 that?

7 **A. Exactly what I just communicated.**

8 Q. I think I missed the last part of that,  
 9 if you don't mind.

10 **A. He -- he communicated to me based upon**  
 11 **what my vision --**

12 Q. Uh-huh.

13 **A. -- was for the new structure --**

14 Q. Uh-huh.

15 **A. -- that we were moving into, if those**  
 16 **positions fell within those categories.**

17 Q. So, he communicated to you that these  
 18 are going to be repurposed positions?

19 **A. No.**

20 Q. Okay.

21 **A. I communicated what my vision was and**  
 22 **what I was thinking around our restructure and**  
 23 **where -- where I saw these positions as far as**  
 24 **categorization was concerned, of which he**  
 25 **affirmed that those would be considered and**

1 **A. No. But we did have that collaborative**  
 2 **conversation and also asked for a legal**  
 3 **review, if that would be in accordance to the**  
 4 **law.**

5 MS. STEINER: Could we have this law  
 6 marked the next numbered exhibit.

7 (WHEREUPON, a document was marked as  
 8 Exhibit No. 6.)

9 BY MS. STEINER:

10 Q. Okay. Now I want to show you something  
 11 else. (Attorney reviews document.)

12 I'm going to pull up what we've already  
 13 marked an exhibit, and this is the letter that  
 14 you sent to Lily Leffler that -- let me try to  
 15 zero in on this -- that I believe you  
 16 testified everything in this letter is true  
 17 and accurate, correct?

18 MR. FOX: We don't see a letter.

19 MS. STEINER: You don't see it?

20 MS. HARBISON: You may be sharing  
 21 the wrong screen.

22 MS. STEINER: Okay. Shared. Share  
 23 it again. (Attorney reviews document.)

24 BY MS. STEINER:

25 Q. Okay. Can you see it now?

1 **A. Yes.**  
 2 Q. And let me -- let me make this bigger  
 3 for you real quick.  
 4 MR. FOX: Yeah.  
 5 BY MS. STEINER:  
 6 Q. Okay. Can you read that, Dr. Battle?  
 7 MR. FOX: A little bit bigger. Can  
 8 you make it bigger, Ms. Steiner?  
 9 MS. STEINER: (Attorney complies.)  
 10 BY MS. STEINER:  
 11 Q. Okay. And I believe this is the letter  
 12 that we've already marked an exhibit. I  
 13 believe you testified that everything in this  
 14 letter is true and accurate, correct?  
 15 **A. Yes, correct.**  
 16 Q. And that's your signature, correct?  
 17 **A. Correct.**  
 18 Q. Okay. And do you see where it says,  
 19 "Dear Lily, this letters confirms the  
 20 conversation on April 29th, 2020, that due to  
 21 a district reorganization and budget impacts,  
 22 your position as Executive Director of School  
 23 Support with Metropolitan Nashville Public  
 24 Schools will be eliminated."  
 25 Is that correct?

1 **A. It was a part of one of our board**  
**2 agendas with the board of education.**  
 3 Q. Okay. And on that, was it you who went  
 4 in front of the board and said, We'd like to  
 5 eliminate the executive director positions?  
 6 **A. If I remember correctly, it was a part**  
**7 of our consent agenda.**  
 8 Q. What does that mean? Does that mean you  
 9 didn't speak and orally state that?  
 10 **A. If it's on our consent agenda, those are**  
**11 not things that we discuss again on the board**  
**12 floor.**  
 13 Q. Okay. And do you know the date you  
 14 would have taken that to the --  
 15 **A. I do not recall the date, but I'm sure**  
**16 our -- our team would have that specific date.**  
 17 Q. Okay. Could... (Attorney reviews  
 18 document.)  
 19 Okay. I'm going to share another  
 20 document with you. (Attorney reviews  
 21 document.)  
 22 Can you see this?  
 23 **A. Yes.**  
 24 Q. Okay. And this is the May 26, 2020, and  
 25 let me see if I can figure this out. (Attorney

1 **A. That's correct.**  
 2 Q. And is that true, her position was  
 3 eliminated?  
 4 **A. The -- the position was eliminated, and**  
**5 then repurposed under a new job description.**  
 6 Q. So, was it eliminated or wasn't it?  
 7 **A. Her current position was being**  
**8 eliminated.**  
 9 Q. Okay. Okay. And did the school board  
 10 approve the elimination of that position?  
 11 **A. And I'm trying to recall the approval I**  
**12 put before the board. I don't recall the**  
**13 positions, but I do know I took a number of**  
**14 the reorganization positions to the board for**  
**15 approval.**  
 16 Q. And does that have to be done in an open  
 17 hearing, meaning, you can't go behind closed  
 18 doors and get them approved, correct, or do  
 19 you?  
 20 **A. So, in this particular case while there**  
**21 was not a requirement for -- to do so, I did**  
**22 publicly put that before the board.**  
 23 Q. So, you walked in front of the board and  
 24 you said, I would like to eliminate the  
 25 executive director positions?

1 reviews document.)  
 2 Okay. Is this what you're talking  
 3 about?  
 4 **A. (Witness reviews document.)**  
 5 **That is a part of what I'm ref --**  
**6 referencing with regards to the school board**  
**7 approval.**  
 8 Q. Is there another document?  
 9 **A. I mean, you're scanning through the --**  
**10 the board packet, so --**  
 11 Q. Uh-huh.  
 12 **A. -- I would need to look through it to**  
**13 see if there's anything in addition to this**  
**14 included. But that looks like it represents**  
**15 the item that was on the board agenda.**  
 16 Q. Okay. And do you see where executive  
 17 director position is not listed?  
 18 **A. I see that on here, but I've also**  
**19 explained that that was a position that we**  
**20 were repurposing into another role. So, it's**  
**21 important for us to give communication to our**  
**22 employees around what will not exist the next**  
**23 school year, which is the communication you**  
**24 saw to Lily Leffler, but also how those**  
**25 positions are being repurposed.**

1 Q. So, you told Ms. Leffler that her job  
 2 had been eliminated, correct?  
 3 **A. In that communication it stated it was**  
**4 being eliminated.**  
 5 Q. Okay. And the elimination of her  
 6 position was not taken to the school board,  
 7 correct?  
 8 **A. Because those positions were being**  
**9 repurposed.**  
 10 Q. Okay. Why didn't you tell Ms. Leffler  
 11 her position was being repurposed?  
 12 **A. Because it required that all of those**  
**13 that were currently in that position to**  
**14 re-apply for those roles.**  
 15 Q. Why didn't you tell Ms. Leffler that her  
 16 position was not being eliminated, it was just  
 17 being repurposed?  
 18 **A. Well, as you see referenced in that**  
**19 communication, there was a conversation that**  
**20 happened with Ms. Leffler to advise her of the**  
**21 reorganization and those positions would be**  
**22 ending but they would be repurposed and**  
**23 everyone would have to re-apply.**  
 24 Q. So, in the letter you sent her on May  
 25 4th it says that the -- the executive director

1 **the district reorganization, and that her**  
**2 current role would be eliminated effective**  
**3 June 30 because of the year-to-year contracts,**  
**4 and that she was eligible to -- to be rehired**  
**5 in other positions that she applied for.**  
 6 Q. Okay. This letter does not tell her  
 7 that her position's being repurposed, correct?  
 8 **A. This letter references the conversation**  
**9 had on April 29th in which all of that was**  
**10 explained and what was happening with her**  
**11 current position that was being eliminated.**  
 12 Q. So, did you talk to her on April 29th?  
 13 **A. I -- I -- if I recall correctly, the HR,**  
**14 Chief of HR led that conversation.**  
 15 Q. And would that have been Chris Barnes?  
 16 **A. Yes.**  
 17 Q. And do you know what he said to her?  
 18 **A. I -- there was a -- if I remember**  
**19 correctly, there was a -- a meeting with all**  
**20 those impacted by the reorganization. And so,**  
**21 he was referencing -- in this particular**  
**22 letter we were referencing that conversation**  
**23 that happened on April 29th.**  
 24 Q. Do you know what he said to her?  
 25 **A. I know the basis of that conversation**

1 positions are going to be repurposed and she  
 2 can apply?  
 3 **A. In that letter it references a previous**  
**4 conversation that was had with Lily Leffler.**  
 5 Q. Okay.  
 6 MS. STEINER: Let's have this, the  
 7 board stuff, marked the next-numbered exhibit.  
 8 (WHEREUPON, a document was marked as  
 9 Exhibit No. 7.)  
 10 BY MS. STEINER:  
 11 Q. And I'm going to go back to Ms.  
 12 Leffler's letter and talk to you again about  
 13 that. (Attorney reviews document.)  
 14 MR. FOX: What's the numbered  
 15 exhibit?  
 16 THE REPORTER: 7.  
 17 BY MS. STEINER:  
 18 Q. Okay. (Attorney reviews document.)  
 19 Okay. In this letter of May 4th you did  
 20 not tell her that her position is being  
 21 repurposed, correct?  
 22 **A. That's -- in this letter on May 4th it**  
**23 references that this letter confirmed the**  
**24 conversations that happened on April 29th,**  
**25 2020, about her current position and the --**

1 **was the reorganization that was happening**  
**2 within the organization, because I wanted to**  
**3 make sure everybody was aware before we moved**  
**4 forward.**  
 5 Q. In this letter of May 4th, 2020, would  
 6 you agree that it is inaccurate that her  
 7 position was not eliminated?  
 8 **A. I would not agree with that.**  
 9 Q. Okay. Would you agree that it's  
 10 inaccurate that it was not due to the budget?  
 11 **A. I would not agree with that.**  
 12 Q. Okay. Now I want to share another  
 13 document with you. (Attorney reviews  
 14 document.)  
 15 Okay. Do you recognize this letter?  
 16 **A. I do.**  
 17 Q. Okay. And is this the letter that you  
 18 sent to James Bailey on May 4th, 2020?  
 19 **A. It appears to be.**  
 20 Q. Is this letter accurate?  
 21 **A. (Witness reviews document.)**  
 22 **Yes, this appears to be accurate.**  
 23 Q. Okay. And so, this tells Dr. Bailey  
 24 that due to the District's reorganization and  
 25 budget impact, his appointment is going to end

1 effective June 30th, 2020?  
 2 **A. Your -- let me backtrack. His -- his**  
 3 **position was not a direct impact to the**  
 4 **reorganization. His -- his non-renewal was**  
 5 **based upon performance.**

6 So, I want to be -- I want to correct  
 7 and backtrack what I said initially, because  
 8 his was a little bit different from some of  
 9 the others and not a direct impact to the  
 10 District's reorganization.

11 Q. Would you agree that this letter does  
 12 not tell him that the elimination of his  
 13 appointment or the ending of his appointment  
 14 is based on performance?

15 **A. Say that again?**

16 Q. This letter does not tell Dr. Bailey  
 17 that he's lost his job because of performance?

18 **A. This letter does not communicate that.**

19 Q. Okay. And is it true that you never  
 20 told Dr. Bailey he's lost his job due to  
 21 performance?

22 **A. The communication that went to Dr.**  
 23 **Bailey came from his direct supervisor, who**  
 24 **communicated to him that he was -- his**  
 25 **contract would not be renewed as a principal**

1 MR. FOX: No objection.  
 2 (WHEREUPON, a document was marked as  
 3 Exhibit No. 8.)  
 4 BY MS. STEINER:  
 5 Q. Now, I want to talk to you just a little  
 6 bit about Dr. Bailey.

7 Back before the incident with your  
 8 brother, would you consider yourself to be a  
 9 friend of both Dr. Bailey and Pippa  
 10 Meriwether?

11 **A. I think we maintained a friendly,**  
 12 **professional relationship.**

13 Q. Okay. And do you consider them both to  
 14 still be your friends?

15 MR. FOX: Objection to the form.

16 **THE WITNESS: I think, well, Dr.**  
 17 **Bailey is no longer an employee of MNPS, and**  
 18 **so, we don't have any direct contact.**

19 **And Dr. Meriwether and I have**  
 20 **maintained a professional, friendly working**  
 21 **relationship.**

22 BY MS. STEINER:

23 Q. February 16th, 2018, what happened at  
 24 that basketball game?

25 **A. Which basketball game are you referring**

1 **at Whites Creek because of performance.**

2 MR. FOX: Objection to the form,  
 3 using the phrase "lost his job".

4 BY MS. STEINER:

5 Q. Okay. Is this letter that you sent to  
 6 him inaccurate?

7 **A. I think this letter does not represent**  
 8 **the specific reason for his non-renewal.**  
 9 **Again, we sent out many of these letters, and**  
 10 **it looks like this one got caught up in the**  
 11 **standardization and not adjusted to reflect**  
 12 **his specific position.**

13 Q. Okay. But you read these letters before  
 14 you put the signature on there, don't you?

15 **A. Yes.**

16 Q. Okay. And did you read this letter  
 17 before you put your signature on there?

18 **A. I'm sure I did. And again, we process a**  
 19 **lot of these letters.**

20 Q. Uh-huh.

21 **A. And so, that looks like something that**  
 22 **was just overlooked in the processing.**

23 Q. Okay.

24 MS. STEINER: Now, could we have  
 25 this marked the next-numbered exhibit?

1 **to? I don't -- I don't -- again, I'm not**  
 2 **looking at a calendar. February 16th was?**  
 3 Q. The date of -- four years ago today was  
 4 the date of the basketball game --

5 **A. Okay.**

6 Q. -- that your brother got in a fight at.

7 **A. Uh-huh. Uh-huh.**

8 Q. What happened at that game?

9 **A. I don't know the intimate details of**  
 10 **what occurred. While I was in the facility, I**  
 11 **was not in that portion -- I was not in the**  
 12 **gym area when the incident occurred, but it is**  
 13 **-- it is my understanding that he had a**  
 14 **altercation with a parent after the game.**

15 Q. Did anyone get hit?

16 **A. Based upon what I recall, yes.**

17 Q. Who?

18 **A. Based upon my knowledge, both the parent**  
 19 **and my brother.**

20 Q. Do you recall seeing anywhere that your  
 21 brother and I believe maybe some of the  
 22 assistant coaches held the parent down as your  
 23 brother hit him?

24 **A. No, I don't recall that detail. Again,**  
 25 **I wasn't in the gym when this incident**

1 happened.  
2 Q. Was it an important game being played  
3 that night?

4 A. I believe it was a tournament game.

5 Q. Okay. And Whites Creek lost, didn't  
6 they?

7 A. I believe they did.

8 Q. Okay. And did you know whether or not  
9 your brother went back in the locker room and  
10 kicked a player off the team?

11 A. I don't know the -- the details of what  
12 happened in the locker room. I was not there.

13 Q. Okay. Did you contact anyone about this  
14 fight?

15 A. So, that evening as I was leaving, I was  
16 actually not at work. I was out on FMLA  
17 'cause I had just had a baby. I was leaving  
18 the game with my newborn, and James Bailey  
19 called me when I was walking out of the door.

20 He then communicated to me that there  
21 was an altercation that involved my brother,  
22 and I questioned him, What are you talking  
23 about, I just left the gym. So, I didn't see  
24 anything, but I'll go back and see if I can  
25 see what's happening.

1 that. Call me when you get a chance, I want  
2 to update you on an incident that happened  
3 last night. And she called me, and I -- I  
4 shared all the information with her.

5 Q. Did you tell Pippa Meriwether that the  
6 parent had no right to walk up to your brother  
7 and that's what he gets because your brother  
8 had a right to defend himself?

9 A. No. Our communication was the details  
10 of the incident. I explained to her exactly  
11 what I've just shared, that I was walking out.  
12 I heard this is what happened. This is what  
13 Dr. Bailey has told me. This is what I know  
14 so far, and I'm turning it over to you because  
15 you're the direct supervisor of the school and  
16 not myself, and I'm out right now, so I can't  
17 -- I can't help in any way.

18 Q. Did Sito Narcisse contact you at all and  
19 tell you to stay out of the matter?

20 A. No.

21 Q. Okay. Did anybody contact you and tell  
22 you to stay out of this matter?

23 A. No.

24 Q. Did you contact Pippa Meriwether to tell  
25 her that you were very upset with her for

1 So, I went back into the gym. I really  
2 didn't see anything other than a few folks  
3 telling me that he was -- there was some  
4 incident that happened, but I didn't see the  
5 incident itself. I went in; I came out. I  
6 wasn't able to gather any information. And I  
7 left after, again, Dr. Bailey informed me of  
8 what happened.

9 The -- the -- that night I -- that night  
10 or the next morning I did talk to Dr. Bailey  
11 again, of which he was -- he kind of  
12 communicated to me what he heard. He kind of  
13 asked, like, what do I do next? What are the  
14 next steps?

15 And I was like, Well, you're right,  
16 because while I work with high schools, I'm  
17 not your direct supervisor. So, since you've  
18 communicated it to me and I'm out right now,  
19 I'm officially not working because I'm out on  
20 FMLA, I will contact Pippa and let her know,  
21 because she's your direct supervisor.

22 So, I believe I have might have texted  
23 Pippa the next morning and said, Hey, call me  
24 when you get a chance. It was the same day as  
25 our teacher fair, so I know she was tied up in

1 contacting Dr. Narcisse about you, and that  
2 Narcisse had strongly told you to stay out of  
3 the matter?

4 A. No.

5 Q. Did you have any conversations with  
6 Sito Narcisse?

7 A. So, Pippa, that Saturday texted me and  
8 said, Hey, Sito is going to call you because  
9 people are talking about the incident at the  
10 teacher fair. And so, Sito called me to just  
11 ask me, like, what did I know about this  
12 situation.

13 And I told him exactly what I've  
14 communicated to you.

15 Q. Did you at any point tell Dr. Cathey  
16 that your brother had a right to protect  
17 himself and no one's going to punk your  
18 brother?

19 A. No, I don't recall such a conversation.

20 Q. Do you think that would have been an  
21 appropriate statement to make?

22 A. To?

23 Q. Dr. Cathey.

24 A. No, I did everything that I could not to  
25 have a conversation with anyone about this

1 **particular situation.**  
 2 Q. Did you know Dr. Bailey was scared for  
 3 his job and his safety because of the incident  
 4 with your brother? Did you know he was getting  
 5 threats?  
 6 **A. No. I was unaware of him getting**  
**7 threats.**  
 8 Q. Okay. Did you know, receive any phone  
 9 calls from HR about retaliation going on  
 10 against Dr. Bailey because of the incident  
 11 with your brother?  
 12 **A. No.**  
 13 Q. What was the discipline that was taken  
 14 against your brother; do you know?  
 15 **A. I don't know all the details. There --**  
**16 there might have been a suspension and a**  
**17 non-renewal, maybe.**  
 18 Q. And so, was the non-renewal based on  
 19 performance?  
 20 **A. I'm not -- I don't -- I don't know the**  
**21 intimate details of the basis for the**  
**22 decision.**  
 23 Q. Okay. Did you know that there was an  
 24 allegation that your brother had mishandled  
 25 funds?

1 brother?  
 2 **A. Yeah, I'm not -- again, I was out on**  
**3 FMLA --**  
 4 Q. Uh-huh.  
 5 **A. -- so I had no direct contact with**  
**6 anyone and was not a part of the process.**  
 7 **What I do know about the process is**  
 8 **that depending on the nature of the incident**  
 9 --  
 10 Q. Uh-huh.  
 11 **A. -- there's an investigation that**  
**12 happens. Usually involves Employee Relations.**  
 13 **They work with the principal. There is**  
 14 **generally a recommendation that comes from the**  
 15 **principal that goes to HR --**  
 16 Q. Uh-huh.  
 17 **A. -- who either confirms or adjusts, and**  
 18 **then that recommendation goes to the Director**  
 19 **of Schools, and the Director of Schools**  
 20 **ultimate -- ultimately reviews all the facts**  
 21 **and the information and makes a final**  
 22 **determination.**  
 23 Q. Okay. Did you know there was an  
 24 administrative hearing on this?  
 25 **A. Yes.**

1 **A. I did hear there was an allegation.**  
 2 Q. What do you know about that?  
 3 **A. I don't know any other details for that.**  
 4 Q. Did you talk to your brother about the  
 5 fight?  
 6 **A. We talked a little bit about the fight.**  
 7 Q. And what did he tell you?  
 8 **A. He recounted to me what happened. I**  
 9 **think it was after the game, a parent came**  
 10 **into the locker room, and I guess there was an**  
 11 **argument and there was physical contact.**  
 12 Q. Okay. Now, with regard to the  
 13 discipline taken after -- against your  
 14 brother, was James Bailey, Dr. Bailey, the  
 15 person with the final authority?  
 16 **A. No. I mean --**  
 17 Q. Who --  
 18 **A. -- ultimately the Director of Schools**  
**19 makes that final determination.**  
 20 Q. Okay. And who would have been the  
 21 Director of Schools? Shawn Joseph?  
 22 **A. At the time it was Dr. Shawn Joseph.**  
 23 Q. Okay. And do you know whether or not,  
 24 though, that Dr. Bailey had input into the  
 25 decision with regard to not renewing your

1 Q. Okay. And did you know Dr. Bailey  
 2 represented Metro Schools, not Shawn Joseph?  
 3 **A. No, I don't know those -- all those**  
 4 **details.**  
 5 Q. Okay. Do you think the discipline given  
 6 your brother was fair?  
 7 **A. Well, listen, I -- I -- I don't have all**  
 8 **the fact and the details. I'm not sure of all**  
 9 **the information that Dr. Joseph reviewed. And**  
 10 **being a Director that came after him, it's not**  
 11 **my responsibility to go back and review his**  
 12 **level of disciplinary action with any**  
 13 **particular incident. And there's one director**  
 14 **at a time, and so I respect his process and**  
 15 **the process of the District for reviewing that**  
 16 **information and making an informed decision.**  
 17 Q. Okay. I'm asking you as his sister, did  
 18 you think the punishment given was fair?  
 19 **A. As a sister, I'll tell you that, like**  
 20 **any family member, I care about my brother. I**  
 21 **care about his well-being. I -- I care about**  
 22 **him. So, of course I want the best for him,**  
 23 **and I want him to be able to continue to**  
 24 **impact the lives of kids like he's doing now,**  
 25 **but I have no authority to go back and review**

1 Dr. Joseph's decisions and the evidence before  
 2 him. I don't have that information to make a  
 3 determination on if it was the right  
 4 disciplinary action or not.

5 Q. Okay. Now, did you know Dr. Bailey was  
 6 Principal of the Year February 2020?

7 A. For? Can you be more specific, because  
 8 we had --

9 Q. Tennessee Association of Secondary  
 10 School Principals --

11 A. For athletics?

12 Q. -- named him -- named him Principal of  
 13 the Year.

14 A. Can you give me the acronym again?

15 Q. I guess it's TASSP.

16 A. Okay. The -- so, that's an external  
 17 organization --

18 Q. Uh-huh.

19 A. -- who does a named principals and advise  
 20 -- supervisors of the year.

21 Q. Did you know he was named Principal of  
 22 the Year at the time?

23 A. I'm sure at the time -- I'm sure I was  
 24 aware at that point in time that he was named.

25 Q. But did you --

1 doesn't surprise me that there was a balanced  
 2 approach in our ability to provide feedback to  
 3 our employees.

4 And again, some of the organizations you  
 5 mentioned and referenced are external  
 6 organizations that might use different  
 7 criteria by which they name those individuals  
 8 for an award.

9 Q. Did you know -- let's go back again,  
 10 okay. Did you know that Renita Perry and Dr.  
 11 Sharon Griffin came to Whites Creek and told  
 12 Dr. -- Dr. Bailey and his leadership team that  
 13 they were doing a great job and to keep on  
 14 doing what they're doing?

15 A. No, I'm unaware. I was not there for  
 16 that visit, so I'm unaware of any specific  
 17 communications in that regard.

18 But, again, it doesn't surprise me that  
 19 they would provide both positive and -- and  
 20 critical feedback to move a school forward  
 21 during any visit.

22 Q. Well, can you tell me why they gave only  
 23 positive at that point?

24 MR. FOX: Objection to the form.

25 THE WITNESS: Yeah, I was not there,

1 A. But again, that -- but again, that was  
 2 from an external organization.

3 Q. And did you know... (Attorney reviews  
 4 document.)

5 Did -- did you know that Metro Schools  
 6 published on its website that he had been  
 7 given this award, and Metro Schools praised  
 8 him for Whites Creek's tremendous academic  
 9 gains for working to improve the school's  
 10 culture and climate and for promoting a  
 11 positive work environment for faculty and  
 12 staff?

13 A. I'm unaware of those communications.

14 Q. Did you know in May of 2018, Dr. Bailey  
 15 won the Governor's Environmental Stewardship  
 16 Award?

17 A. I don't recall that specifically, no.

18 Q. Did you know in February of 2020 Renita  
 19 Perry and Sharon Griffith came to Whites Creek  
 20 and told plaintiff and his leadership team  
 21 that they were doing a great job and to keep  
 22 on doing what they were doing?

23 A. Listen, as a -- a part of our coaching  
 24 model is we will give both commendations and  
 25 recommendations for our leaders. So, it

1 and I don't know that that's the only feedback  
 2 that they provided to the principal while he  
 3 was there. In fact, I'm -- I'm just hearing  
 4 what you're saying was communicated, and I  
 5 don't know that to be factual either.

6 BY MS. STEINER:

7 Q. Sure.

8 Now, can you tell me the -- the dates  
 9 that negative feedback was given to Dr.  
 10 Bailey?

11 A. I would have to rely on his -- on his  
 12 direct supervisors, who's responsible for the  
 13 feedback and evaluation process. Again, that  
 14 was not my direct responsibility.

15 Q. Okay. Did you ever tell either Renita  
 16 Perry or Sharon Griffith that they needed to  
 17 sit down and counsel with Dr. Bailey about  
 18 certain areas?

19 A. So, our process for, particularly with  
 20 my chiefs, is that we meet frequently and they  
 21 provide me updates and data points. We review  
 22 those to kind of monitor, progress monitor the  
 23 status of every school. And so, my feedback  
 24 would always be around, you know, where  
 25 schools are and -- and if they need a support

1 around any critical moves to help schools be  
 2 moved forward, and that could include feedback  
 3 directly to the principals.

4 Q. Okay. Did you keep any notes from any  
 5 of these meetings that I -- that you can get  
 6 to me that will say, Hey, I want you to talk  
 7 to Dr. Bailey about X, Y, and Z?  
 8 A. I would have to -- I would have to  
 9 reference that if it was anything, but I'm  
 10 sure you have the documents that was pulled.

11 Q. We don't have anything like that.  
 12 So, can you recall making any notes?  
 13 A. I recall, so when we have our one-on-one  
 14 meetings, I require my chiefs to take any  
 15 notes and any follow-up actions, it's their  
 16 responsibility. They build the agenda.  
 17 There's always time and space for director  
 18 items on there. So, it would have been the  
 19 responsibility of the chief to capture any  
 20 notes, if there are any.

21 Q. And who was the chief?

22 A. Sharon Griffin.

23 Q. Okay. So, then, we can get Sharon  
 24 Griffin's notes for the Spring of 2020 and  
 25 that will show any discussions between you and

1 can't put a date to how long ago --  
 2 Q. Uh-huh.  
 3 A. -- but it's been a -- a term that we've  
 4 used educationally, priority schools, low  
 5 performance schools, schools of innovation --  
 6 Q. Uh-huh.

7 A. -- for many years.  
 8 Q. Okay. And there have been some Metro  
 9 Schools that have been priority schools from  
 10 2015 on, through today, correct?  
 11 A. There -- there may be some, but there's  
 12 also been some interruption in assessments  
 13 that have prolonged some of that. But yes,  
 14 there -- there probably are a few schools that  
 15 that would be the case.

16 Q. Okay. (Attorney reviews document.)  
 17 Let me show you this real quick. Let me  
 18 ask you a question about priority schools.  
 19 Priority schools can really, even though some  
 20 schools have, in high schools have middle  
 21 schools feeding into them where the kids are  
 22 not capable or -- or let me try to put this  
 23 right.

24 Some of the high schools have students  
 25 that are being fed into them that do not have

1 her about Dr. Bailey?  
 2 A. If there are any.  
 3 Q. Okay.  
 4 A. She would be the one that would have  
 5 those.

6 Q. And do you recall any discussions in the  
 7 Spring of 2020 with Dr. Griffin about James  
 8 Bailey?  
 9 A. I recall conversations in the Spring of  
 10 2020, and I recall conversations prior to  
 11 Spring of 2020 around concerns of student  
 12 outcomes and leadership performance.

13 Q. Related to Dr. Bailey?

14 A. Correct.

15 Q. Okay. What about related to any other  
 16 principal?

17 A. Yes, we talked about and surfaced all of  
 18 our school concerns. In fact, even with the  
 19 community superintendents, those were  
 20 conversations that we had.

21 Q. Okay. Now, with regard to priority  
 22 schools, is that a heading that has just  
 23 gotten started, meaning, it wasn't in  
 24 existence in the year 2010, 2011, 2012?

25 A. It's been in existence for a while. I

1 the social-economical advantages of other kids  
 2 in Metro Schools, correct?  
 3 A. Can you -- can you restate that  
 4 question?  
 5 MR. FOX: Objection to the form.  
 6 BY MS. STEINER:  
 7 Q. Some of the schools come from poor areas  
 8 where the kids are not receiving the help or  
 9 not --  
 10 For instance, Hillsboro, how does  
 11 Hillsboro High School typically do? Pretty  
 12 good?  
 13 MR. FOX: Objection to the form.  
 14 BY MS. STEINER:  
 15 Q. In terms of grades?  
 16 A. So it -- it depends on the specific  
 17 measure you're -- you're referencing. I mean,  
 18 we've --  
 19 Q. Okay.  
 20 A. That would depend.  
 21 Q. Is whether or not a school a priority  
 22 school, is that at -- at par, it's not the  
 23 principal's fault? It's more the fault of --  
 24 it's more a problem with the kids that they're  
 25 dealing with?

1 MR. FOX: Objection to the form.  
 2 **THE WITNESS: We serve a very**  
 3 **diverse population of students in Metro**  
 4 **Nashville Public Schools.**  
 5 BY MS. STEINER:  
 6 Q. Uh-huh.  
 7 **A. It is our responsibility as educators**  
 8 **and support staff to grow students and to have**  
 9 **them on a path of success towards achievement.**  
 10 **So, regardless of how our students come to us,**  
 11 **we have an obligation to educate them and**  
 12 **equip them with the right skills, knowledge,**  
 13 **and character to be successful.**  
 14 Q. Is it -- is it true, though, that  
 15 sometimes that job's a little bit more  
 16 difficult to perform based on the kids who are  
 17 entering the school and their past  
 18 experiences, their past education?  
 19 **A. I think there is variation in where**  
 20 **students -- within a school and across**  
 21 **schools, where students may come to you**  
 22 **performing, but it -- we all still have an**  
 23 **obligation to make sure students are making**  
 24 **adequate -- adequate yearly progress. So,**  
 25 **that measure doesn't change based upon the**

1 **A. Yes.**  
 2 Q. Are these the list of the -- appear to  
 3 be a list of priority schools at Metro  
 4 Nashville?  
 5 **A. You scroll really fast.**  
 6 Q. Sorry.  
 7 **A. (Witness reviews document.)**  
 8 **It looks -- it appears to be fairly**  
 9 **accurate.**  
 10 Q. Okay.  
 11 **A. And what was it -- were you referencing**  
 12 **2019 or were you referencing 2021? (Witness**  
 13 **reviews document.)**  
 14 Q. Is it a fair statement that you had  
 15 about 24 priority schools at Metro Nashville  
 16 from 2019 to 2021?  
 17 **A. Again, I would need to actually count to**  
 18 **see what that number is.**  
 19 Q. Yeah. That's -- that's -- let's look at  
 20 this, let's see. You want to count the first  
 21 page and then we'll go to the second one?  
 22 A. You can keep scrolling. (Witness reviews  
 23 document.)  
 24 You can keep scrolling.  
 25 There appears to be approximately 20 --

1 **population of schools that you're serving.**  
 2 Q. Okay. Would you agree, though, that  
 3 it's -- it's harder to be successful with a  
 4 child if they don't have the background,  
 5 fundamental skills that other kids have  
 6 entering high school?  
 7 **A. Can you restate that question? I want**  
 8 **to make sure I captured what you said**  
 9 **initially.**  
 10 Q. Is it not true that it is more difficult  
 11 to educate a child if they don't have the  
 12 fundamentals in place when they enter high  
 13 school?  
 14 **A. So, again, as a previous high school**  
 15 **principal who worked in a low-performing**  
 16 **school and was able to advance the growth and**  
 17 **achievement of our students, it -- it -- while**  
 18 **it might require additional -- additional**  
 19 **interventions and supports, it is possible to**  
 20 **grow every student.**  
 21 Q. But it's more difficult if the child  
 22 does not have a good foundation, correct?  
 23 **A. I think it might require additional**  
 24 **supports and interventions.**  
 25 Q. Okay. Let's -- can you see the screen?

1 24 for 2019.  
 2 MS. STEINER: Okay. Can we have  
 3 this marked the next-numbered exhibit?  
 4 MR. FOX: Yeah, no objection.  
 5 (WHEREUPON, a document was marked as  
 6 Exhibit No. 9.)  
 7 BY MS. STEINER:  
 8 Q. Okay. (Attorney reviews document.)  
 9 Now I want to show you something else.  
 10 (Attorney reviews document.)  
 11 This is a document that was provided by  
 12 Metro Legal or for the defendant in this case,  
 13 and it's a list of the priority schools and  
 14 the principals at them, and I want to go  
 15 through this with you.  
 16 It looks -- looks like it's got a list  
 17 of all the schools, and do you see where it  
 18 looks like some of the schools have been  
 19 priority from 2014?  
 20 **A. I'm not able to see the year at the top**  
 21 **of the spreadsheet.**  
 22 Q. Do you see where it says Inglewood?  
 23 **A. I do.**  
 24 Q. If you go across where it says  
 25 "priority" from 2014?

1 A. Yeah, I'll rely on the documents that  
 2 the team provided to you.  
 3 Q. Does that seem about right to you, it's  
 4 been a priority since 2014?  
 5 A. Yes.  
 6 Q. Okay. Now, I want to ask you --  
 7 A. Uh-huh.  
 8 Q. -- some questions about some of these  
 9 things. First school listed is Alex Green.  
 10 Is that a priority school?  
 11 A. Yes.  
 12 Q. Okay. And it's had the same principal  
 13 for the past, one, two, three, four, five,  
 14 six, seven years, correct?  
 15 A. That's correct.  
 16 Q. Okay. Did you consider removing Robyn  
 17 Beard for performance?  
 18 A. We considered -- we looked at -- we did  
 19 look at how long the principal had been there  
 20 and what our data was currently telling us, if  
 21 there had been any improvements or not with  
 22 regards to student performance.  
 23 Q. And what did it show for Ms. Beard?  
 24 A. That she had been here this number of  
 25 years, but they were showing -- if I remember

1 director.  
 2 Q. And she was in a priority school, too,  
 3 principal, from 2015 to 2019, correct?  
 4 A. Those dates sound accurate.  
 5 Q. Okay. And she actually got promoted  
 6 from being the principal of a priority school  
 7 to being an executive director, correct?  
 8 A. Yes, that seems to be correct.  
 9 Q. Okay. Now, what happened to Ronald  
 10 Wooding at Caldwell? Do you know why he left  
 11 there?  
 12 A. I don't recall.  
 13 Q. Was he fired for poor performance?  
 14 A. I -- I don't believe so.  
 15 Q. Uh-huh.  
 16 A. I believe because he's -- I don't know  
 17 exactly. I wasn't his direct supervisor and  
 18 was not in that specific elementary space, but  
 19 I do recall him working in a different  
 20 capacity in the District. So, I'm not sure  
 21 exactly the reason, but he was apparently  
 22 eligible for rehire within the school  
 23 district.  
 24 Q. Okay. Let's look at Cumberland High  
 25 School?

1 correctly, that they were showing some -- some  
 2 improvements, both in the data and  
 3 qualitatively based upon the supervisor's  
 4 school visits.  
 5 Q. Let me ask you a question.  
 6 A. Uh-huh.  
 7 Q. For 2019, there wasn't any data for that  
 8 year, 2019 to 2020, correct --  
 9 A. Uh-huh.  
 10 Q. -- because there wasn't any testing?  
 11 A. I believe, let's see, 2019 would be  
 12 accurate. Let's see -- hold on. That was a  
 13 testing issue. 2020 would -- would be the  
 14 case as well.  
 15 But you're referencing specifically TN  
 16 Ready through the State Department?  
 17 Q. Uh-huh.  
 18 A. We also have internal assessment  
 19 measures that we use even when the State makes  
 20 adjustments to their testing process.  
 21 Q. Okay. Let's -- let's look at these  
 22 other ones. Why is Cecilia Conley no longer a  
 23 principal? Did she get moved up to an  
 24 executive director position?  
 25 A. Cecilia Conley is currently an executive

1 A. Uh-huh.  
 2 Q. Looks like an elementary school?  
 3 A. Uh-huh.  
 4 Q. Were any of these principals there fired  
 5 for poor performance?  
 6 A. (Witness reviews document.)  
 7 As you can see, there was some natural  
 8 kind of turnover --  
 9 Q. Uh-huh.  
 10 A. -- with the principals here, likely not  
 11 resulting in the need for a leadership change.  
 12 Q. Meaning, that none of these principals  
 13 were fired for poor performance, correct?  
 14 A. Not to my knowledge.  
 15 Q. Okay. Haynes Middle School, were any of  
 16 these principals fired for poor performance?  
 17 A. (Witness reviews document.)  
 18 So, um... (Witness reviews document.)  
 19 I'm not -- I don't recall any specifics  
 20 due to performance.  
 21 Q. Okay. Inglewood High -- Elementary  
 22 School, do you recall any of these principals  
 23 being fired for poor performance?  
 24 A. (Witness reviews document.)  
 25 If I recall correctly, Jessica Harden

1 **was non-renewed at the end of the year due to**  
 2 **performance.**  
 3 Q. Does this form not say she resigned?  
 4 **A. (Witness reviews document.)**  
 5 Q. Do you see under her name --  
 6 **A. Uh-huh.**  
 7 Q. -- resigned on August 13th --  
 8 **A. Yeah --**  
 9 Q. -- 2020?  
 10 **A. -- and I know there was some performance**  
   **issues.**  
 11 Q. Uh-huh.  
 12 **A. So, based upon the timing, it -- you**  
   **know, she could have resigned before then, but**  
   **I know that -- I know that there was some**  
   **performance issues.**  
 13 Q. Okay.  
 14 **A. She resigned, she actually did resign**  
   **from -- I don't believe she resigned from the**  
   **principalship.**  
 15 Q. Uh-huh.  
 16 **A. I think she ended up resigning from a**  
   **teaching position, if I remember correctly.**  
 17 **B. But again, I would have to rely on our HR team**  
   **for that information.**

1 Q. Were any of these principals non-renewed  
 2 for performance?  
 3 **A. Yes, I believe Kelli Lorton was.**  
 4 Q. Okay. Can you see where it says she had  
 5 left in 2016, not employed, resigned?  
 6 **A. Yeah, she might have resigned, but her**  
   **contract was being non-renewed for the next**  
   **year.**  
 7 Q. But she could have beat you to resign  
 8 before?  
 9 **A. She could have.**  
 10 Q. Okay. Uh-huh. Okay. Maplewood High  
 11 School, any of these -- these individuals let  
 12 go for poor performance?  
 13 **A. Yes. My understanding is that Keely**  
   **Jones was non-renewed for another year due to**  
   **performance.**  
 14 Q. Okay. McMurray Middle School, any of  
 15 these, it's the same principal all years,  
 16 correct?  
 17 **A. Uh-huh.**  
 18 Q. So --  
 19 **A. Yes, according to the spreadsheet.**  
 20 Q. -- So, even though it's been a priority  
 21 school since 2015, the same principal stayed

1 Q. Okay. For this school here?  
 2 **A. Uh-huh.**  
 3 Q. And this is Jere Baxter Middle School?  
 4 **A. Uh-huh.**  
 5 Q. Were any of these principals here fired  
 6 for poor performance?  
 7 **A. And again, not using the term "fired".**  
 8 **We did have one of the principals who was --**  
 9 **contract was not renewed at the end of the, I**  
 10 **guess it was the 2018 school year.**  
 11 Q. And who was that?  
 12 **A. Traci Sloss.**  
 13 Q. Okay.  
 14       MR. FOX: Objection to the form,  
 15 using of the word "fired".  
 16 BY MS. STEINER:  
 17 Q. Okay. Kirkpatrick, were either of these  
 18 two let go for poor performance?  
 19 **A. Yeah, I don't recall in 2015. I was a**  
 20 **principal myself, so I don't recall --**  
 21 Q. Okay.  
 22 **A. -- all of those intimate conversations.**  
 23 Q. Okay. And now, Madison Middle School,  
 24 that's a priority school too, correct?  
 25 **A. That's correct.**

1 there, correct?  
 2 **A. According to the sheet. That is -- with**  
   **regards to principal leadership, that would be**  
   **correct.**  
 3 Q. Okay. 2015, McKissack Middle School?  
 4 **A. Uh-huh.**  
 5 Q. Darren Kennedy, is that your husband?  
 6 **A. That is.**  
 7 Q. Okay. And, then, since he's been there,  
 8 none of these principals have been let go for  
 9 poor performance, correct?  
 10 **A. Not to my knowledge.**  
 11 Q. Okay. Napier, it's the same principal,  
 12 so no one's been let go for poor performance,  
 13 correct?  
 14 **A. That's correct. I mean, Napier, now**  
 15 **you're just -- you're referencing them just**  
 16 **due to leader -- principal leadership. But, I**  
 17 **mean, I could have done this with a few other**  
 18 **schools, but Napier, for instance, has come**  
 19 **off the priority school list.**  
 20 Q. Okay. Neely's Bend, no principal let go  
 21 there for performance, correct?  
 22 **A. Not to my knowledge.**  
 23 Q. Pearl Cohn, no one let go there for

1 performance, correct?  
 2 **A. Not to my knowledge.**  
 3 Q. Robert Churchwell, no one let go there  
 4 for poor performance?  
 5 **A. Not to my knowledge.**  
 6 Q. Rosebank, no one let go for poor  
 7 performance, correct?  
 8 **A. Not to my knowledge. Again, that's**  
 9 **another school that's exited priority school**  
 10 **status.**  
 11 Q. Uh-huh.  
 12 Tom Joy, no one let go there for poor  
 13 performance?  
 14 **A. Not to my knowledge.**  
 15 Q. Okay. Same thing for J.P. Whitsitt,  
 16 correct?  
 17 **A. J.P. -- Justin Uppinghouse, and that's a**  
 18 **-- another school that has exited priority**  
 19 **school status.**  
 20 Q. Warner, no principal let go there for  
 21 poor performance, correct? Excuse me, I'm  
 22 sorry.  
 23 **A. I think Denise, she might have ended up**  
 24 --  
 25 Q. Uh-huh.

1 BY MS. STEINER:  
 2 Q. Non-renewed?  
 3 **A. He was non-renewed in his current role.**  
 4 **But there were also four or five other**  
 5 **principals whose schools were consolidated and**  
 6 **their contracts were non-renewed and their**  
 7 **principal positions. And that's if we're only**  
 8 **talking about principalships. There have been**  
 9 **other decisions made.**  
 10 MS. STEINER: Can we have that  
 11 marked the next numbered exhibit?  
 12 (WHEREUPON, a document was marked as  
 13 Exhibit No. 10.)  
 14 BY MS. STEINER:  
 15 Q. Okay. Now, the testing that's done at  
 16 the State level, what is that called, the  
 17 T something?  
 18 **A. TN Ready.**  
 19 Q. TN Ready?  
 20 **A. Uh-huh.**  
 21 Q. Okay. You do not have any of the results  
 22 from TN Ready for 2020 because they weren't  
 23 taken that year, correct?  
 24 **A. I believe that year's accurate.**  
 25 Q. Okay. So, whether or not Whites Creek

1 **A. -- resigning and leaving on her own, but**  
 2 **I do know that there was some performance**  
 3 **issues as well.**  
 4 Q. Whites Creek, that's Dr. Bailey,  
 5 correct?  
 6 **A. Uh-huh. Uh-huh.**  
 7 Q. Who made the decision to hire Brian  
 8 Mellis to replace him?  
 9 **A. So, ultimately it is my decision, but**  
 10 **Brian Mellis went through the same phased**  
 11 **interview process as all of our other principal**  
 12 **candidates.**  
 13 Q. And Wright Middle School, this is the  
 14 last one?  
 15 **A. Uh-huh.**  
 16 Q. No one let go there for poor  
 17 performance, correct?  
 18 **A. Not to my knowledge.**  
 19 Q. And the only principal you have ever  
 20 fired for poor performance is Dr. Bailey,  
 21 correct?  
 22 MR. FOX: Objection to the form.  
 23 **THE WITNESS: Correct. So, he was**  
 24 **not fired.**  
 25 ///

1 stayed on priority or came off priority, you  
 2 don't really know because you don't have the  
 3 testing?  
 4 **A. We don't have the standardized testing**  
 5 **from the State.**  
 6 Q. Uh-huh.  
 7 **A. But as I've previously communicated --**  
 8 Q. Uh-huh.  
 9 **A. -- we do administer informative**  
 10 **assessments within the District that give us**  
 11 **an indication of where students are performing**  
 12 **and where they're growing and where they're**  
 13 **not.**  
 14 Q. Who came up with the idea to fire -- or  
 15 to non-renew Dr. Bailey first, was it you or  
 16 Sharon Griffith?  
 17 **A. It was an ongoing conversation around**  
 18 **where we were and what was needed for the**  
 19 **school to move forward.**  
 20 Q. Okay.  
 21 **A. So, that was a collaborative**  
 22 **conversation around what might be the needs of**  
 23 **Whites Creek High School. But again, we -- we**  
 24 **-- we had those conversations about schools --**  
 25 Q. Okay.

1 A. -- frequently throughout the year.  
 2 Q. Okay. Now, let me ask you this...  
 3 (Attorney reviews document.)  
 4 In discovery responses, I just want to  
 5 ask you if you're familiar with this, Metro  
 6 said that the ones who lost their jobs or had  
 7 their jobs eliminated were -- let me find this.  
 8 (Attorney reviews document.)  
 9 Damon Cathey, Michelle Springer, Schunn  
 10 Turner, Karen Desouza, Sonia Stewart, Dennis  
 11 Queen, Phyllis Dyer, and Jenai Hayes. Okay.  
 12 Is that the individuals that you know of  
 13 who had their jobs eliminated?  
 14 A. Having their jobs eliminated --  
 15 Q. Uh-huh.  
 16 A. -- and/or repurposed.  
 17 Can you go through those names again?  
 18 Q. Okay. Damon Cathey, Ms. Springer,  
 19 Schunn Turner, Karen Desouza, Sonia Stewart,  
 20 Dennis Queen, Phyllis Dyer, Jenai Hayes, have  
 21 to be Meriwether's in there too.  
 22 A. Yes. That -- that sounds fairly  
 23 accurate.  
 24 Q. Okay. And, then, Lily Leffler actually  
 25 lost her job, too, correct, or her --

1 jobs, let's leave out the ones who I think  
 2 have retired, we've got Damon Cathey,  
 3 Springer, Turner, Desouza, Sonia Stewart,  
 4 Jenai Hayes, Lily Leffler.  
 5 And I think that's about it. Does that  
 6 sound about right?  
 7 A. That sounds about right.  
 8 Q. Okay.  
 9 A. I'm not looking at it, so.  
 10 Q. And of those people, one was promoted.  
 11 Of the seven that did not fair so -- as well  
 12 as Ms. Springer, the ones who were either  
 13 demoted or lost their jobs, of those seven did  
 14 you know that six had engaged in some sort of  
 15 protected activity?  
 16 MR. FOX: Objection to the form.  
 17 THE WITNESS: Let me go back first,  
 18 because you led in with Dr. Springer being in  
 19 a higher paying position, and it's important  
 20 to note that everyone was eligible to apply  
 21 for any of those positions.  
 22 To my knowledge, Schunn Turner  
 23 originally applied for a position and  
 24 rescinded her application. And if I'm not  
 25 mistaken, James Bailey also applied for a

1 A. Her job was eliminated and repurposed.  
 2 Q. Okay. And do you know of these people,  
 3 Ms. Springer, she was promoted, correct?  
 4 A. Michelle Springer was a community --  
 5 associate superintendent. She -- her position  
 6 was eliminated. She was eligible, like the  
 7 other employees, to re-apply for the executive  
 8 director role or any other Central Office or  
 9 MNPS role that they sought fit, so.  
 10 Q. She ended up in a better position,  
 11 correct? She -- better pay?  
 12 A. And I don't know either position better,  
 13 but the position --  
 14 Q. Uh-huh.  
 15 A. -- she's currently in does pay at a  
 16 higher rate.  
 17 Q. Okay. And Dennis Queen, did he retire?  
 18 A. I don't know his official designation.  
 19 He's not -- he's not currently an employee of  
 20 MNPS.  
 21 Q. Okay. Phyllis Dyer, did she retire?  
 22 A. I don't know her official coding on if  
 23 she retired or resigned. I would have to rely  
 24 on HR for that information.  
 25 Q. Okay. Now, the ones who lost their

1 higher position and a like position, but  
 2 eventually resigned.  
 3 So, I just, for the record, want to  
 4 make sure that's clear, that no one was  
 5 prohibited from applying for any of those  
 6 roles, whether they be at the same level,  
 7 higher level, or a different level in the  
 8 organization.  
 9 BY MS. STEINER:  
 10 Q. Dr. Battle, I hate to ask you this, but  
 11 this has been very long today. I'd ask you  
 12 really to answer my question and don't -- I  
 13 don't need speeches about some other thing. I  
 14 want, really just want my questions answered.  
 15 Of these seven people --  
 16 MR. FOX: Objection to the form.  
 17 BY MS. STEINER:  
 18 Q. -- if you took Cathey, Springer, Turner,  
 19 Desouza, Stewart, Queen, Dyer, Hayes, Leffler,  
 20 Meriwether, it's ten people, correct?  
 21 A. If you're counting, yes.  
 22 Q. Okay. Ms. Springer ended up with a job  
 23 that pays more, okay. We think Dennis Queen  
 24 and Phyllis Dyer both retired, okay.  
 25 Do you know out of the seven left

1 remaining that five had engaged in protected  
 2 activity?  
 3 MR. FOX: Objection to the form.  
 4 BY MS. STEINER:  
 5 Q. Did you know that?  
 6 **A. So, Sonia Stewart also resigned.**  
 7 Q. Uh-huh. Did you know Sonia Stewart  
 8 complained that Dr. Carrasco sexually harassed  
 9 her?  
 10 **A. I have -- I -- I later found that out,**  
 11 **yes.**  
 12 Q. Okay. So, you knew that in the Spring  
 13 of 2020, correct?  
 14 **A. No, I did not know that in the Spring of**  
 15 **2020.**  
 16 Q. When did you find that out?  
 17 **A. As the case kind of rolled around to me**  
 18 **as the Director of Schools --**  
 19 Q. Uh-huh.  
 20 **A. -- then I became more aware of those**  
 21 **intimate details of that particular area.**  
 22 Q. Uh-huh. Do you realize, are you  
 23 familiar with the -- the math concepts of  
 24 statistics? You've probably taken a course in  
 25 statistics, haven't you?

1 **is my primary responsibility, to make sure**  
 2 **we're advancing the mission of the**  
 3 **organization.**  
 4 BY MS. STEINER:  
 5 Q. Would you agree that if five out of  
 6 seven engaged in protected activity, that  
 7 would be -- that's the equivalent of, I guess,  
 8 somewhere around 67 percent, would you agree  
 9 that it is hard to conceive that that -- that  
 10 that protected activity did not enter into the  
 11 decision?  
 12 MR. FOX: Objection to the form.  
 13 **THE WITNESS: I -- I don't follow**  
 14 **that particular rationale, including the**  
 15 **timing of those potential allegations, of**  
 16 **which it sounds like the majority I -- I was**  
 17 **in a very different role during those**  
 18 **particular cases.**  
 19 BY MS. STEINER:  
 20 Q. Okay. I want to talk to you just a  
 21 little bit about the budget.  
 22 Are you familiar with the budgets?  
 23 **A. I am familiar with the budget. I am not**  
 24 **the expert with the budgeting process. That's**  
 25 **why I hire a chief financial officer.**

1 **A. I'm sure I have.**  
 2 Q. Okay. And do you know that it's really  
 3 just not statistically possible of all the  
 4 workers you have in Central Office to lose  
 5 their jobs, to have the protected activity not  
 6 be a reason when the ones affected, five, it's  
 7 a bit like 60 percent, 70 percent had engaged  
 8 in some sort of protected activity?  
 9 MR. FOX: Objection to the form.  
 10 BY MS. STEINER:  
 11 Q. Did you know that that's statistically  
 12 impossible?  
 13 MR. FOX: Objection to the form.  
 14 **THE WITNESS: And again, I think**  
 15 **you're referencing things out of context.**  
 16 **First and foremost, I do not make decisions**  
 17 **based upon those particular scenarios. I**  
 18 **understand the law and work closely with our**  
 19 **legal team, with our legal advisement, and**  
 20 **then our HR department.**  
 21 **What's most important is that as a**  
 22 **Director of Schools, I have to make sometimes**  
 23 **tough decisions, particularly in a budget**  
 24 **crisis, to create a structure that benefits**  
 25 **our kids and support our employees. And that**

1 Q. And who is that?  
 2 **A. That is Chris Henson.**  
 3 Q. Did he tell you to eliminate positions,  
 4 or did you tell him to eliminate positions?  
 5 MR. FOX: Objection to the form.  
 6 **THE WITNESS: Yeah, again, I --**  
 7 **you'd have to step back in that conversation.**  
 8 **The elimination and the reorganization that**  
 9 **you are referencing was a result of the budget**  
 10 **crisis that we were in as a city, and I was**  
 11 **asked by the Mayor's Office and the finance**  
 12 **team with Metro Government to look at cutting**  
 13 **about \$100 million from our budget.**  
 14 BY MS. STEINER:  
 15 Q. Okay. But as a fair statement, you  
 16 didn't have to cut a million -- hundred  
 17 million from your budget, correct?  
 18 **A. We were requested to find about \$100**  
 19 **million in our budget.**  
 20 Q. But you never cut a hundred million from  
 21 your budget, correct?  
 22 **A. We never cut a hundred million from our**  
 23 **budget because of the timing of the school**  
 24 **year.**  
 25 Q. Uh-huh.

1 A. And so, we -- this request came in  
 2 March, I believe it was late March, middle  
 3 March, with regards to making those cuts, and  
 4 it's very difficult to do when you're in that  
 5 point in time of a school year to find those  
 6 kind of savings leading into the new budget  
 7 cycle.

8 Q. Let's look at the budget that was  
 9 adopted May 19th, 2020.

10 A. Uh-huh.

11 Q. Can you see this on the screen?

12 A. I can.

13 Q. Okay. Let's go to the very first page  
 14 of this. Do you see the -- the required -- I  
 15 want to ask you about the employee compensation  
 16 to begin with.

17 A. Uh-huh.

18 Q. Do you see the certificated salary step  
 19 increase?

20 A. Uh-huh.

21 Q. Was that going to be paid from funds  
 22 from Metro or funds from the Fund Balance?

23 A. I don't understand your question,  
 24 because that is a -- as the way this budget is  
 25 structured, that is a number for us to be

1 Q. Okay. You didn't eat that, did you?  
 2 A. Could you restate your question?  
 3 Q. They didn't increase the insurance  
 4 premiums, did they? Do you recall that?  
 5 A. I believe we -- if -- and again, I'm  
 6 going based upon the document here. If you see  
 7 the \$3.8 million and this is our approved  
 8 budget, that means that we -- the insurance  
 9 increase went up, which meant that we had to  
 10 have an additional investment in keeping our  
 11 certificated insurance intact and in alignment  
 12 with the Insurance Trust Committee.

13 Q. Do you remember the insurance company  
 14 saying, We're not increasing you, so you saved  
 15 this 3,800,000?

16 A. I don't recall that. On this particular  
 17 document, it appears as a cost.

18 Q. Okay. Now, let's go down here to  
 19 proposed changes, the -- the five jobs  
 20 eliminated from Central Office?

21 A. Uh-huh.

22 Q. The re-org saved a million dollars,  
 23 correct?

24 A. That's correct.

25 Q. Okay. And a million dollars of a budget

1 aware of, and its implementation in the budget  
 2 would depend on if we could actually do that  
 3 or not. So, what you see in the third column  
 4 are the proposed costs that we were reviewing  
 5 for building the -- the fiscal year budget.

6 Q. Did you eventually get the certificated  
 7 step increase in the final budget?

8 A. This was 2020. (Witness reviews  
 9 document.)

10 I believe, and again, lots of -- several  
 11 budgets since then. I believe this was a step  
 12 increase that might have happened midyear. I  
 13 could be wrong on that, but I believe that was  
 14 -- one of the years there was a midyear step  
 15 increase.

16 Q. So, this 5,400,100 --

17 A. Uh-huh. Uh-huh.

18 Q. -- was not necessary to receive that --  
 19 those funds in this budget, correct?

20 A. That's correct, it was not included.

21 Q. Okay. Now, do you see the certificated  
 22 insurance? Three thousand --

23 A. Uh-huh.

24 Q. -- 3,800,000?

25 A. Uh-huh.

1 that it actually ended up being 948-.  
 2 I'm going to pull up another document  
 3 for you real quick just to show you this.  
 4 (Attorney reviews document.)

5 Okay. Do you recognize the final budget  
 6 here?

7 A. (Witness reviews document.)

8 I'm going over, it's June 30, yes.

9 Q. Okay. Is that the final budget?

10 A. If it's the June 30 date, that should be  
 11 the final. That should be the final budget.

12 We do make amendments sometimes throughout the  
 13 year.

14 Q. Okay. Now, in this final budget, do you  
 15 see the insurance premiums, the 3,800,000?

16 A. Yeah, so again, this is context, and  
 17 some -- sometimes we take things out of  
 18 context. When we build the initial budget, we  
 19 have to account for all of our inflationary  
 20 costs for us to provide the same services to  
 21 our employees year after year.

22 And so, the original budget you showed  
 23 captured that, because our insurance trust at  
 24 the time likely met before the pandemic  
 25 anticipated that we would have an increase in

1 our insurance for our certificated staff.  
 2 It is not a surprise to me that by the  
 3 time we did the final budget that the  
 4 Insurance Trust decided not to make that  
 5 determination.  
 6 Q. Okay. Do see the -- the final operating  
 7 budget that you're asking for is \$948,873,000?  
 8 A. I see that.  
 9 Q. Okay. And that includes the changes to  
 10 these positions that you're requesting,  
 11 correct?  
 12 A. That's correct.  
 13 Q. And you were able to probably run the  
 14 school with the 948 million you got, correct?  
 15 A. Again, I would challenge the word  
 16 "properly run the school district".  
 17 Q. Uh-huh.  
 18 A. We are charged every year to do the best  
 19 we have with what we have -- what we've got.  
 20 Q. Okay. And do you see this down here at  
 21 the very bottom, "Central Office and District  
 22 provided services reduction"?

23 A. Uh-huh.  
 24 Q. Okay. Do you see that 5 million with  
 25 that?

1 buildings could continue.  
 2 Now, he might have also mentioned, and  
 3 might likely mention, that every year we do a  
 4 review of our contracts to make informed  
 5 decisions about our return on investment and  
 6 what areas we should adjust or adapt based  
 7 upon the needs of the organization.  
 8 Q. Every year you know you're going to have  
 9 some sort of a decrease in the Central Office  
 10 and District provided -- provided services  
 11 reduction. You've got that line filled in  
 12 every year on the budget, correct?  
 13 A. Again, that is -- I can't confirm that,  
 14 because I haven't looked at every year's  
 15 budget.  
 16 Q. Okay. But, typically, that's what  
 17 happens?  
 18 A. I, again, cannot confirm that.  
 19 Q. Now, can you tell me why this 5 million  
 20 in Central Office and district provided  
 21 services was not known as of May 19th? Do you  
 22 see where there's nothing in this budget for  
 23 that?  
 24 A. Can you ask me the question again?  
 25 Q. Can you see, I -- I just pulled up the

1 A. Yes.  
 2 Q. Okay. Do -- doesn't -- it was my  
 3 understanding that Metro Schools always, if  
 4 you had to reduce, you reduced the contracted  
 5 services before you started reducing staff.  
 6 Do you recall that?  
 7 A. That's not always the --  
 8 Q. Uh-huh.  
 9 A. -- method, methodology around --  
 10 Q. Uh-huh.  
 11 A. -- how we balance our budget or propose  
 12 a new budget.  
 13 Q. Okay. So, then, if -- if Chris Henson  
 14 had ever -- ever testified that you -- you  
 15 take out the contracted services before we  
 16 ever go into people, that's not true?  
 17 A. No, it is my philosophy that as much as  
 18 possible we try to keep our school services as  
 19 whole as possible so that they can maintain  
 20 services.  
 21 Again, we're talking about a budget that  
 22 happened, a budget-building process that  
 23 happened during the pandemic. And so, it's  
 24 important for us to make sure that the  
 25 continuity of operations in our school

1 May 19th budget --  
 2 A. Uh-huh.  
 3 Q. -- and do you see where this -- that  
 4 \$5 million reduction's not listed?  
 5 MR. FOX: I'm sorry, Ms. Steiner, it  
 6 doesn't have the date on it. Okay.  
 7 THE WITNESS: (Witness reviews  
 8 document.)  
 9 BY MS. STEINER:  
 10 Q. Do you see that, Dr. Battle?  
 11 A. Yes, this is a budget-building process,  
 12 and so, it is our responsibility once we have  
 13 identified initial needs and adjustments to  
 14 begin to build that together, but that does  
 15 not equate to the level of which were funded.  
 16 And so, we have to go back and reconcile that  
 17 from the time we start the budget-building  
 18 process until the final approval.  
 19 Q. Okay. I'm going to ask you a simple  
 20 question here and let's see what -- what type  
 21 of response we get.  
 22 June 30th, let's go to the June 30th  
 23 budget.  
 24 A. Uh-huh.  
 25 Q. Do you see that?

1 A. I sure do.  
 2 Q. Okay. Do you see the 5 million Central  
 3 Office and district provided services  
 4 reduction of 5 million?  
 5 A. I do.  
 6 Q. Would you agree that if that 5 million  
 7 was listed on the May 19th budget, you  
 8 wouldn't have needed to reduce the 1 million  
 9 it's -- in positions?  
 10 A. I do not agree with that.  
 11 Q. Okay. Why not?  
 12 A. Because by -- by this timeline in  
 13 June 30, we have to go back and balance  
 14 everything based upon the budget that we  
 15 receive from the Mayor/Metro Council.  
 16 Q. Now, that did not make a whole -- I'm  
 17 sorry, I did not understand that too well.  
 18 Could you explain that to me again?  
 19 A. So, let's talk about the budget process.  
 20 Q. Uh-huh.  
 21 A. So, our administrative team goes through  
 22 our annual process. We're reviewing; we're  
 23 making decisions. This particular year we're  
 24 hit by a pandemic in March. We're asked from  
 25 Metro Government to look for about \$100 million

1 determination on how much of the funds are  
 2 coming to MNPS, and then MNPS adjusts to  
 3 balance our budget based upon the funding we  
 4 will receive from one year to the next.  
 5 Q. Okay. Let me go back. Okay. June  
 6 30th, 2020 --  
 7 A. Uh-huh.  
 8 Q. -- you've got 5 million listed in  
 9 District provided services reduction, correct?  
 10 A. Uh-huh.  
 11 Q. 5 million. Would you not agree that if  
 12 you had listed that 5 million on the May 19th  
 13 budget, okay, then the total proposed changes  
 14 would not have been 10 million? It would have  
 15 been 15 million, okay?  
 16 MR. FOX: Objection to the form.  
 17 BY MS. STEINER:  
 18 Q. And would you agree that if you had --  
 19 rather than 1 million from Central Office  
 20 re-org, you could have taken 5 million off  
 21 contracted services?  
 22 A. No, I disagree with that assessment.  
 23 Q. Okay. That's fine.  
 24 A. Again, the process is that we build a  
 25 budget. Our board approves the budget that we

1 in reductions in our budget.  
 2 It is a priority for me and my  
 3 administrative team to -- to -- to keep our  
 4 schools less impacted by the decisions we  
 5 make. So, I am going to always look at  
 6 things, and we do it annually. We look at  
 7 contracts, and we look at what we have Central  
 8 Office-wise because the direct -- direct  
 9 supports happen in our schools.  
 10 And so, when you see the reorganization,  
 11 again, that was a direct impact of the budget  
 12 cut that we were required to make. So, we  
 13 make those adjustments, it goes before our  
 14 board, our board gives us feedback, we adjust.  
 15 We get feedback from the board and we adjust.  
 16 Right. And so, that's why you see various  
 17 versions of this.  
 18 This particular year the budget process  
 19 was a little bit different because we were all  
 20 virtual, every -- the City's trying to figure  
 21 out how to make this happen. The budget, once  
 22 we build this, this is prior to the Mayor  
 23 telling us or presenting to council what his  
 24 budget is. The Mayor gives his budget to  
 25 Metro council. Metro council makes a final

1 have before we get allocation from the Mayor  
 2 and Metro council.  
 3 There is always a process after the  
 4 Mayor and Metro council approval, that we have  
 5 to go back and reconcile that based upon what  
 6 our true budget will be for that fiscal year.  
 7 Q. Can you tell me why the contracted  
 8 services, the 5 million, was not in there in  
 9 the May budget?  
 10 MR. FOX: Objection to form.  
 11 THE WITNESS: If you scroll back  
 12 down to where there -- where that is. Okay.  
 13 Is this the June 30 document?  
 14 BY MS. STEINER:  
 15 Q. Let me find it real quick.  
 16 A. Okay.  
 17 Q. This is the May document.  
 18 A. Okay. Can I go to the June?  
 19 Q. Now I'm going to show you June.  
 20 A. Okay.  
 21 Q. Here's June. Can you tell me why the 5  
 22 million was not listed in May?  
 23 A. Okay. So, this is a variation of  
 24 things. It -- it is likely that it's not just  
 25 contracts, but it's Central Office and

1 District provided service reductions, which  
 2 means we had to go back and say, We've got to  
 3 find another \$5 million that we have to cut  
 4 from our budget in order to balance our  
 5 budget. And so, with that we dig even deeper  
 6 around what adjustments do we need to make to  
 7 provide the needs of our students.

8 Q. Okay. Now, in the final one --

9 A. Uh-huh.

10 Q. -- you actually had a lot of things that  
 11 you didn't think you would even get, correct?  
 12 You got the \$15 increase per person hourly  
 13 wage increase, didn't you?

14 A. Which wasn't a part of our initial  
 15 budget document.

16 Q. But it's in the final one, isn't it?

17 A. It -- it is likely in the final one.

18 Q. Okay.

19 A. I think that was the year that Metro  
 20 council approved that --

21 Q. Okay.

22 A. -- but specifically told us how to use  
 23 those funds.

24 Q. And the certificated salary step  
 25 increases for everyone's in that final budget,

1 Q. Did Metro Schools save 50 million in the  
 2 Spring of 2020 because of COVID?  
 3 A. Again, I would have to rely on our chief  
 4 financial officer. We were directed by Metro  
 5 Government to look for about 100 million in  
 6 reductions to our budget. But also, we were  
 7 instructed to do some things like freeze  
 8 travel and -- and try to get -- they needed us  
 9 to get our fund balance up as a part of their  
 10 accounting process.

11 Other than that, I will rely on the  
 12 expertise of our chief financial officer to  
 13 explain to you exactly how that process works.

14 Q. Did you know anything about the -- the  
 15 property tax increase and how it affected the  
 16 -- the funds for Metro Schools?

17 A. I -- I know a little bit about it.

18 Again, I have an expert in that space with our  
 19 chief financial officer who could explain that  
 20 impact at a greater detail than I could.

21 Q. And could Mr. Booker explain it too?

22 A. It is likely that Mr. Booker could also  
 23 explain it.

24 Q. But just in the big overall picture, is  
 25 it a fair statement that you really didn't --

1 correct? Do you see the 5,000,400 at the top  
 2 of the page?

3 A. So, again, that was an addition that  
 4 came directly from Metro council, who  
 5 identified for us specifically where those  
 6 funds should be used.

7 Q. Okay. And the insurance is gone; the 3  
 8 million in the insurance is gone.

9 Now, I want to ask you something else.  
 10 Vacancies, okay?

11 A. Uh-huh.

12 Q. 3 million is listed there. Did you know  
 13 that the real figure was somewhere over 10  
 14 million for vacancies?

15 A. No, again, I would rely on my chief  
 16 financial officer for those accurate counts.

17 Q. If you knew that that figure was really  
 18 somewhere around 10 million or higher, would  
 19 you agree that you could have kept the 1  
 20 million in savings in jobs?

21 A. No, I don't agree, because we're -- we  
 22 are anticipating where we might be, and the  
 23 actuals, we always have to do our actual  
 24 balance throughout the year. So, no, I  
 25 couldn't have anticipated that.

1 you came out financially pretty well in the  
 2 year of 2020 to 2021, correct?

3 A. I don't think that's a fair statement.

4 Q. Okay.

5 A. I think that, again, going back to what  
 6 happened in 2020, specific to Nashville,  
 7 tornado, then the pandemic, I think there were  
 8 lots of unknowns across the country. And so,  
 9 it is our responsibility under the advisement  
 10 of Metro Government where they're anticipating  
 11 and forecasting that taxes, where they will  
 12 come in and the impact of that, that we align  
 13 accordingly.

14 Again, I think there were lots of  
 15 unknowns, but we were asked based upon their  
 16 projections and analysis to make the cuts that  
 17 I previously discussed.

18 Now, during that time later in the year  
 19 we did -- the Federal Government passed,  
 20 through grants for schools to recover, and  
 21 that was specific to recovery of the pandemic.

22 Q. Did you know that the property tax that  
 23 Metro Schools got typically is about 230  
 24 million, but that for the Spring of 2020 it  
 25 was projected that they would get a little

1 over 432 million and they actually got 431  
 2 million? Do you -- do you know, an increase of  
 3 almost 200 million?  
 4 **A. Again, I would refer you to our chief**  
**5 financial officer who tracks all of that**  
**6 specific information. It's important that --**  
**7 that we're typically in arrears of receiving**  
**8 that information after we've passed the month**  
**9 of which those taxes are collected.**  
 10 Q. Who --  
 11 **A. So, I will -- I would rely and refer you**  
**12 to him for those -- for that specific**  
**13 information.**  
 14 Q. Who made the decision that positions  
 15 were going to be eliminated? Was that you?  
 16 **A. With regards to the reorganization in**  
**17 collaboration with my team and my chiefs, I**  
**18 made the decision which positions would be a**  
**19 part of the reorganization.**  
 20 Q. Who -- my question is different.  
 21 Who made the decision that positions  
 22 were actually going to be eliminated?  
 23 MR. FOX: Objection to the form.  
 24 **THE WITNESS: Again, based upon the**  
 25 **needs of the organization, it is my**

1 **A. I -- I employ 11,000 employees. What do**  
**2 you mean by --**  
 3 Q. Well, you said it was on your team?  
 4 **A. Yeah. So, my -- my direct cabinet is my**  
**5 chiefs.**  
 6 Q. And who are they?  
 7 **A. At the time, what year are you referring**  
**8 to? The 2020?**  
 9 Q. The year that -- we went through this,  
 10 2020.  
 11 **A. Okay. Well, we've been talking about**  
**12 several different years.**  
 13 Q. Uh-huh.  
 14 **A. So, 2020, my chiefs were, I've mentioned**  
 15 **Hank Clay was my Chief of Staff. Chris Barnes**  
 16 **was my Chief of HR. Sharon Griffin was my**  
 17 **Chief of Innovation. Chris Henson was my**  
 18 **chief of -- my CFO. And let me just think**  
 19 **through and make sure I'm not missing anybody.**  
 20 (Respite.)  
 21 HR, Chief of Staff, CFO, Schools,  
 22 Innovation. I think that -- I think that  
 23 covers everyone. You can repeat them back to  
 24 me if you want to just to confirm.  
 25 Q. Well, you've got -- you've got Hank

1 **responsibility to determine or recommend to**  
**2 the board when appropriate when we're**  
**3 eliminating positions and/or repurposing them.**  
 4 BY MS. STEINER:  
 5 Q. So, then, you made the decision that  
 6 you're going to eliminate positions?  
 7 **A. I made the decision that I -- my**  
**8 recommendation based upon which ones needed to**  
**9 go to the board or not, which ones needed to**  
**10 be eliminated and which ones needed to be**  
**11 repurposed to move forward with the mission of**  
**12 the organization.**  
 13 Q. Okay. My question is a little bit  
 14 smaller than that. It's not quite as broad as  
 15 that.  
 16 You're the one who made the decision  
 17 we're going to eliminate positions?  
 18 **A. In -- in collaboration with my -- my**  
**19 team and my chiefs, I made the final**  
**20 recommendation.**  
 21 Q. Who's the first person that said, Hey,  
 22 we've gotta get rid of jobs here? Who said  
 23 that?  
 24 **A. No one said that.**  
 25 Q. Okay. Who's on your team?

1 **Clay?**  
 2 **A. Uh-huh.**  
 3 Q. Chris Barnes?  
 4 **A. Uh-huh.**  
 5 Q. Sharon Griffith and Chris Henson?  
 6 **A. I think that -- I think that was the**  
**7 team during 2020.**  
 8 Q. Okay. Now, did you know that the 1  
 9 million that you saved in salaries is only 1  
 10 percent of 1 percent of that budget?  
 11 **A. I'm aware that due to the reorganization**  
**12 we were able to capture about \$1 million.**  
 13 Q. Do you know that that's 1 percent of 1  
 14 percent of the budget?  
 15 **A. If those are your calculations, but it**  
**16 is a -- it is a percent of our budget, yes.**  
 17 Q. Did you know that Barry Booker testified  
 18 that if he had been asked to find a million  
 19 dollars somewhere to keep this, you can find  
 20 savings of a million dollars; he said it could  
 21 be done?  
 22 **A. Are you referring to back in 2020?**  
 23 Q. Yes. Did you know that?  
 24 **A. No, I didn't. And I will tell you that**  
**25 all of our teams were consulted around what**

1 cuts could we make early on with the initial  
 2 cutting of the \$100 million, and then it is my  
 3 responsibility as the Director of Schools to  
 4 make the most informed decisions about the  
 5 needs of our district and to move forward. So,  
 6 I collaborate and I make the -- the decisions  
 7 based upon what the needs of the organization  
 8 are.

9 Q. Did you know that there was a Firefly  
 10 contract that's listed in School Choice in  
 11 that department, and that it's listed at a  
 12 cost of, I believe, 180,000, when that was a  
 13 one-time cost and that it should have been  
 14 20,000?

15 A. Again, I'm --

16 Q. So, it was overstated by 160,000? Did  
 17 you know that?

18 A. Again, I'm not aware --

19 MR. FOX: Objection to the form.

20 THE WITNESS: I'm not aware of those  
 21 individual department budgets. We --

22 BY MS. STEINER:

23 Q. Uh-huh.

24 A. -- I consulted with everyone where cuts  
 25 can be made.

1 that the figure is actually much greater than  
 2 that?  
 3 A. Listen, I wouldn't be surprised, because  
 4 that's an estimate based upon the needs of the  
 5 organization, and it also depends on where we  
 6 are with stated vacancies. It depends on what  
 7 time of year things shift or not. It also has  
 8 to consider where we were with the pandemic.

9 And I'm going to state again, when the  
 10 pandemic initially hit there was lots of  
 11 unknowns for all of us. And we were making  
 12 the most informed decisions for our  
 13 organization at the time to make sure that we  
 14 could carry forward and continue to educate  
 15 our students.

16 Q. Would you be surprised to know that the  
 17 actual vacancy rate runs somewhere, and I may  
 18 be wrong on this 'cause it may be a lot  
 19 higher, somewhere around 10 million to maybe  
 20 higher?

21 MR. FOX: Objection to the form.

22 THE WITNESS: Yeah.

23 BY MS. STEINER:

24 Q. And it's on a routine basis, because as  
 25 you get people in you have people leave? So,

1 Q. Okay.  
 2 A. And then made final approval of what we  
 3 were able to reduce in order to balance our  
 4 budget.

5 Q. Did you talk to anyone about the  
 6 vacancies and how much money's in the  
 7 vacancies?

8 A. We -- that's an ongoing conversation  
 9 throughout the year.

10 Q. Okay. How much money do you have in  
 11 vacancies right now?

12 A. I don't have that number for you today.  
 13 Again, I would refer you to our chief  
 14 financial officer.

15 Q. Approximately, how much do you have in  
 16 vacancies?

17 A. Again, I don't have that number for you  
 18 right now.

19 Q. How much did you have in vacancies at  
 20 any point since you've been interim director or  
 21 director?

22 A. I -- I think -- so, the \$3 million  
 23 estimate seems to be kind of what we are able  
 24 to capture as far as anticipated vacancies.

25 Q. Okay. Would you be surprised to know

1 at any point in time that's what you've got?  
 2 A. Again, I would rely on the expertise of  
 3 our financial team --

4 Q. Okay.

5 A. -- in providing those estimates and those  
 6 projections in order for us to budget  
 7 accordingly.

8 Q. Did anyone have any discussions about  
 9 these budgets and whether or not there's a lot  
 10 of puff built in here, for instance, in the  
 11 vacancy rates or in the -- any discussion  
 12 about that?

13 A. We have ongoing conversations about  
 14 where we can make adjustments or where new  
 15 needs have -- have shifted in order for us to  
 16 make those decision points.

17 But I think you're really trying to  
 18 simplify a really complex process, and I'm  
 19 going to give you an example, because our  
 20 teachers, depending on their years of  
 21 experience, based upon their degree, they're  
 22 going to make different salaries. And so, we  
 23 have to try to average that of what that might  
 24 look like and then get our actuals. So, it --  
 25 it could look different based upon the

1 individual who is hired in those positions.  
 2 And so, we generally have to look at estimates  
 3 in order to build our budget.  
 4 Q. Okay. Let's just look at one position,  
 5 the one that Springer, Ms. Springer filled.  
 6 A. Okay.  
 7 Q. 185,000 per year, correct?  
 8 A. That's correct.  
 9 Q. And who held that position before her?  
 10 A. The immediate past chief was Tony  
 11 Majors.  
 12 Q. And when did he leave?  
 13 A. So, he left in -- I guess it was the --  
 14 I think it was Spring of 2020.  
 15 Q. Uh-huh.  
 16 A. He left from the Chief of HR position --  
 17 Q. Uh-huh.  
 18 A. -- but had previously been the Chief of  
 19 Student Services --  
 20 Q. Okay.  
 21 A. -- and that position wasn't filled until  
 22 after the 2020 school year.  
 23 (Respite.)  
 24 MS. STEINER: That's all.  
 25 MR. FOX: Off the record for a

1 documents from both you and from Metro  
 2 regarding this matter?  
 3 A. Can you -- is it possible for you to be  
 4 more specific? Are you referring to as a part  
 5 of this process?  
 6 Q. Yes. As a part of this lawsuit.  
 7 A. Yes.  
 8 Q. Okay. Did you personally do anything to  
 9 gather those documents that we requested?  
 10 A. I don't recall personally doing anything  
 11 to gather documents.  
 12 Q. Did you direct someone to try to find  
 13 the documents that we requested?  
 14 A. I mean, it is a part of our process that  
 15 when we have requests, the team that needs --  
 16 or holds that information will share that  
 17 information back.  
 18 Q. Okay. But you personally did not do  
 19 anything to look for those, correct?  
 20 A. No, I don't re- -- recall any personal  
 21 action.  
 22 Q. Okay. Are you aware that MNPS has a  
 23 smaller Central Office budget than similarly  
 24 sized school districts in other parts of the  
 25 nation?

1 second.  
 2 THE VIDEOGRAPHER: We are off the  
 3 record at 3:03 p.m.  
 4 (Short break.)  
 5 THE VIDEOGRAPHER: We are on the  
 6 record at 3:16 p.m.  
 7 MS. STEINER: For the record, I'd  
 8 like to offer as the next two exhibits, the  
 9 first one the May 19th, 2020, budget; and the  
 10 second one, the final budget, I think it's  
 11 June 30th, 2020, as the next exhibit.  
 12 THE REPORTER: That will be 11 and  
 13 12.  
 14 (WHEREUPON, documents were marked as  
 15 Exhibit No. 11 and Exhibit No. 12.)  
 16  
 17 EXAMINATION  
 18 QUESTIONS BY MS. HARBISON:  
 19 Q. All right. Okay. Good afternoon, Dr.  
 20 Battle. My name is Jesse Harbison, and I  
 21 represent Dr. Damon Cathey in this case.  
 22 Okay.  
 23 I don't have a lot of questions, I don't  
 24 think. But let me ask you, do you know that  
 25 the plaintiffs in this case requested certain

1 A. I'm aware that we have attempted to  
 2 direct as many of our resources and services  
 3 directly to students and staff in schools as  
 4 possible, and that our support hub serves as a  
 5 support hub to support our schools. So, it --  
 6 it has been kind of our focus to keep as many  
 7 of those resources directly impacting students  
 8 as possible.  
 9 Q. Okay. So, your testimony is that  
 10 Central Office does not directly impact  
 11 students; is that correct?  
 12 A. It does have an impact on students, but  
 13 the -- the most direct impact is going to  
 14 happen in the classroom.  
 15 Q. Okay. So, let me ask my question again.  
 16 And keep in mind, this is a "yes" or "no"  
 17 question, okay.  
 18 A. Okay.  
 19 Q. Just a "yes" or "no" answer.  
 20 Are you aware of the fact that MNPS has  
 21 a smaller Central Office budget than similarly  
 22 sized school districts in other areas of the  
 23 nation, yes or no?  
 24 MR. FOX: Objection to the form.  
 25 THE WITNESS: Yes, I can't give you

1 a "yes" or "no". I can tell you that there  
 2 are some that might be larger; there are some  
 3 that might be the same size or similar to  
 4 MNPS.

5 BY MS. HARBISON:

6 Q. Okay. Are you aware of the fact that  
 7 MNPS asked Allovue to study this and that  
 8 Allovue said that Metro's Central Office  
 9 budget was smaller, remarkably smaller than  
 10 similarly sized districts elsewhere in the  
 11 nation?

12 A. I'm aware that ERS engaged in the study  
 13 to give us information about how we leverage  
 14 our funds. I think that's important for our  
 15 stakeholders to be aware of and a part of our  
 16 budget process.

17 Q. Okay.

18 A. And that is something that we're proud  
 19 of, that we're able to get as many direct  
 20 resources to our students.

21 Q. Okay. I'm going to show you a document.  
 22 Let me pull it up, and it may take me a second  
 23 to find it. (Attorney reviews document.)

24 MS. HARBISON: Ann, I think you have  
 25 to make me the host again.

1 Q. Okay. I'm going to scroll down so that  
 2 you can see the whole e-mail.  
 3 Do you recall this e-mail exchange?  
 4 A. It is definitely an e-mail to me.  
 5 Q. Okay.  
 6 A. And others.  
 7 Q. On another note, this Dr.AR<sup>B</sup>@mnps.org, I  
 8 see that referred to throughout these e-mails  
 9 as Adrienne Battle private.  
 10 What does that mean? You have two  
 11 e-mail addresses?  
 12 A. Well, for me it means that I've been an  
 13 employee in the District for a long time.  
 14 Q. Uh-huh.  
 15 A. And so, in shifting from one role to the  
 16 other, I need to be able to kind of prioritize  
 17 those internal documents I need to get to  
 18 sooner, as opposed to the almost 20 years I  
 19 spent in other capacities. And so, it just  
 20 helps me kind of go through those  
 21 communications.  
 22 Q. Okay.  
 23 A. Uh-huh.  
 24 Q. I'm going to scroll down. There are  
 25 several attachments to this e-mail. First is

1 MS. STEINER: Okay. How do I do  
 2 that?

3 MS. HARBISON: I think if you hover  
 4 over my icon.

5 MS. STEINER: Uh-huh.

6 MS. HARBISON: And then click the  
 7 three buttons and then click "Make Host".

8 MS. STEINER: Got you.

9 MS. HARBISON: Okay.

10 BY MS. HARBISON:

11 Q. Okay. So, I just shared my screen with  
 12 you, Dr. Battle, and I'm going to scroll up,  
 13 and I'm doing that intentionally.

14 Okay. Do you see my screen, Dr. Battle?

15 A. I do.

16 Q. Okay. This appears to be an e-mail from  
 17 Mark North to you, Hank Clay, Chris Henson,  
 18 and Sean Braisted, correct?

19 A. Yes.

20 Q. Okay. And this looks like it was sent  
 21 on May 27th, 2020, correct?

22 A. That's correct.

23 Q. Okay. And the subject is "Response to  
 24 Counsel Questions", correct?

25 A. Yes.

1 this capital needs information sheet, but  
 2 specifically I'm going to ask about these  
 3 questions from council office. And it looks,  
 4 to me, like these are questions from the  
 5 council and then answers. Does that look  
 6 accurate to you?

7 A. That looks accurate thus far.

8 Q. Okay. So, if you look at this question,  
 9 Question Request Number 47, it says, "Revenues  
 10 from other MNPS schools, how does the district  
 11 adjust resources to make sure the brunt of  
 12 lost revenues does not adversely impact  
 13 schools? Our Central Office resource is  
 14 scaled in relation to the enrollment in MNPS  
 15 schools."

16 Does that look accurate?

17 A. Yes.

18 Q. Okay. And, then, if you scroll down it  
 19 says, "With regard to Central Office costs,  
 20 last year MNPS studied the level of Central  
 21 Office spending with an internal analysis and  
 22 external study. We found that the MNPS  
 23 Central Office is a remarkably small amount of  
 24 the budget and far less than most peer school  
 25 systems."

<p>1 Is that correct?</p> <p>2 <b>A. That's correct.</b></p> <p>3 Q. Okay. So, if it's far less than more</p> <p>4 peer school systems, why would that be a good</p> <p>5 thing and something to be proud of?</p> <p>6 <b>A. Well, and again, it says "most", it</b></p> <p>7 <b>doesn't say all, but most peer school systems.</b></p> <p>8 And that's a good thing in my summation,</p> <p>9 because we want to make sure that we are</p> <p>10 getting as many of our resources directly into</p> <p>11 our schools.</p> <p>12 Listen, I've been a school teacher. I've</p> <p>13 been a principal. I know how impactful it is</p> <p>14 on a daily basis have immediately and -- and</p> <p>15 accessible resources to provide for my</p> <p>16 students. And so, that speaks to my goal as a</p> <p>17 leader to make sure that that continues to be</p> <p>18 the case for Metro Nashville Public schools.</p> <p>19 Q. Okay. So, most peer school systems have</p> <p>20 a larger Central Office 'cause they just don't</p> <p>21 know what's best for their students?</p> <p>22 <b>A. No. They have to make the decisions</b></p> <p>23 <b>that are best for their organization. And I</b></p> <p>24 <b>believe it is best for our organization to get</b></p> <p>25 <b>as many resources directly to our school -- to</b></p>	<p>Page 261</p>	<p>1 <b>A. Uh-huh.</b></p> <p>2 Q. Can you see my screen, Dr. Battle?</p> <p>3 <b>A. I can.</b></p> <p>4 Q. Okay. And this appears to me to be the</p> <p>5 2020/2021 Budget Proposal for MNPS, correct?</p> <p>6 <b>A. (Witness reviews document.)</b></p> <p>7 That's what the title at the top states.</p> <p>8 Q. Okay.</p> <p>9 <b>A. It looks like there's some</b></p> <p>10 <b>subcategories, but yes.</b></p> <p>11 Q. Okay. And it's dated February 17th,</p> <p>12 2020, correct?</p> <p>13 <b>A. Uh-huh. Yes.</b></p> <p>14 Q. Have you seen this document before?</p> <p>15 <b>A. I have. And I also note that</b></p> <p>16 <b>February 17th is pretty early on in our --</b></p> <p>17 Q. Sure.</p> <p>18 <b>A. Yeah.</b></p> <p>19 Q. But this is pre-pandemic, correct?</p> <p>20 <b>A. This is pre-pandemic.</b></p> <p>21 Q. Okay. We did not know at this point the</p> <p>22 impact that COVID was going to have on us?</p> <p>23 <b>A. We didn't know the extent to which, yes.</b></p> <p>24 Q. Okay. So, it looks like down here that</p> <p>25 it says that the baseline 2020/2021 budget as</p>	<p>Page 263</p>
<p>1 <b>our students as possible.</b></p> <p>2 Q. Okay.</p> <p>3 MS. HARBISON: I'd like to make that</p> <p>4 e-mail exchange the next numbered exhibit.</p> <p>5 And I can tell you the Bates stamp, because</p> <p>6 I'll probably forget it, is SchoolsEmails 1484</p> <p>7 through 1492.</p> <p>8 (WHEREUPON, a document was marked as</p> <p>9 Exhibit No. 13.)</p> <p>10 BY MS. HARBISON:</p> <p>11 Q. Okay. Dr. Battle, I'm going to show you</p> <p>12 another document. Now, I'm not a numbers gal</p> <p>13 and I'm a product of MNPS, so I can blame</p> <p>14 y'all.</p> <p>15 MR. FOX: Objection. Objection.</p> <p>16 BY MS. HARBISON:</p> <p>17 Q. I turned out okay in some respects, but</p> <p>18 not in that one.</p> <p>19 <b>A. I've been in the fifth grade.</b></p> <p>20 MR. FOX: Yeah, my -- all three of</p> <p>21 my kids are students at Hillsboro High School.</p> <p>22 MS. STEINER: Burros.</p> <p>23 MR. FOX: Burros.</p> <p>24 BY MS. HARBISON:</p> <p>25 Q. So, bear with me.</p>	<p>Page 262</p>	<p>1 of this date was 950,000 -- 950 million and</p> <p>2 some odd dollars, correct?</p> <p>3 <b>A. Uh-huh. That's correct.</b></p> <p>4 Q. Okay. So, that was the goal, correct?</p> <p>5 <b>A. No, I'm not going to -- I will not agree</b></p> <p>6 <b>that that was the goal. It was just a</b></p> <p>7 <b>snapshot of where we were at this point in</b></p> <p>8 <b>time in our budgeting process.</b></p> <p>9 Q. Okay. But the baseline was 950-?</p> <p>10 <b>A. According to these early projections,</b></p> <p>11 <b>yes.</b></p> <p>12 Q. Okay. And you-all ended up pretty</p> <p>13 close to that, correct, with that June 30th</p> <p>14 budget?</p> <p>15 <b>A. I would have to refer you to my chief</b></p> <p>16 <b>financial officer and team who closely monitors</b></p> <p>17 <b>that particular information.</b></p> <p>18 Q. Okay. But do you know what the June</p> <p>19 30th budget ended up be -- the operating</p> <p>20 budget number ended up being?</p> <p>21 <b>A. I don't remember the exactly number. I</b></p> <p>22 <b>do remember, again, having to make cuts in</b></p> <p>23 <b>order to balance the budget in order to</b></p> <p>24 <b>maintain our continuity of operations.</b></p> <p>25 Q. Okay. So, sitting here today as the</p>	<p>Page 264</p>

1 Director of Schools you can't say that you  
 2 know in your head what that June 30th  
 3 operating budget was?  
**4 A. I can't give you the exact number.**  
**5 Again, we've built --**  
 6 Q. Okay.  
**7 A. -- a few budgets since then.**  
 8 Q. I think we've made that an exhibit,  
 9 correct? Yeah. Let me see if I can find what  
 10 numbered exhibit that was, and we can go back  
 11 and look at it.  
 12 MS. STEINER: 12, I think.  
 13 MS. HARBISON: Okay. Ann, can you  
 14 share your screen?  
 15 MS. STEINER: Yes.  
 16 MS. HARBISON: I'm going to make you  
 17 a host.  
 18 BY MS. HARBISON:  
 19 Q. So, I'm going to have Ann share this,  
 20 which is what I believe she made Exhibit 12.  
**21 A. Okay.**  
 22 MS. STEINER: Can y'all see it?  
**23 THE WITNESS: Yes.**  
 24 BY MS. HARBISON:  
 25 Q. Okay. So, this is the June 30th --

1 host again?  
 2 And can I make that February budget  
 3 the next-numbered exhibit, please.  
 4 THE REPORTER: That will be 14.  
 5 MS. HARBISON: Thank you.  
 6 (WHEREUPON, a document was marked as  
 7 Exhibit No. 14.)  
 8 MS. HARBISON: I'm going to write  
 9 that down or I'll forget.  
 10 BY MS. HARBISON:  
 11 Q. Are you familiar with the principal  
 12 selection process for MNPS?  
**13 A. Yes.**  
 14 Q. Okay. I'm going to show you another  
 15 document. (Attorney reviews document.)  
 16 (Respite.)  
 17 Okay, Dr. Battle. Now, some of these  
 18 are a little sideways, so I'll scroll for you.  
 19 But this is the first page. And it's titled  
 20 "Principal Selection Plan", although it is  
 21 sideways, correct?  
**22 A. Yes.**  
 23 Q. Okay. The rest of them are right ways  
 24 up.  
**25 A. Okay.**

1 **A. Uh-huh.**  
 2 Q. -- operating budget.  
**3 A. Uh-huh.**  
 4 Q. And is this sometimes also called the  
 5 Mendes budget? Bob Mendes helped to pass this  
 6 budget?  
**7 A. I'm -- I'm not sure. I've not --**  
 8 Q. Okay.  
**9 A. -- heard it referenced that way.**  
 10 Q. You've never heard this budget referred  
 11 to as the Mendes budget?  
**12 A. No. I'm not familiar with it being**  
**13 called that.**  
 14 Q. Okay. So, if you scroll down here, the  
 15 total operating budget for baseline is  
 16 \$948 million and some change, correct?  
**17 A. Yes.**  
 18 Q. 948.8 --  
**19 A. That's correct.**  
 20 Q. -- correct? Okay.  
 21 So, you got pretty close to that  
 22 baseline goal from February 2020, correct?  
**23 A. That seems to be accurate.**  
 24 Q. Okay.  
 25 MS. HARBISON: Can you make me the

1 Q. And this, I think I can even show you if  
 2 you look to the side, it says "Selection  
 3 Workflow", correct? And it's a -- looks to be  
 4 a list of tasks?  
**5 A. (Witness reviews document.)**  
**6 Yes.**  
 7 Q. Okay. And, then, that continues for  
 8 several pages, correct?  
**9 A. Yes.**  
 10 Q. Okay. And, then, this document is an  
 11 outline of the selection process, correct?  
**12 A. Yes.**  
 13 Q. Okay.  
**14 A. That's what the title is, yes.**  
 15 Q. Okay. Does this look to be an accurate  
 16 depiction of the principal selection process?  
**17 A. Is this document dated?**  
 18 Q. Yeah. Let me go back to that first  
 19 page.  
**20 A. Okay.**  
 21 Q. It is -- it's dated, it looks,  
 22 November 18th, 2021.  
**23 A. Okay.**  
 24 Q. Okay. So, I'm going to go back. So, as  
 25 of the date that this document is dated, which

1 I believe is November 18th, 2021, was this an  
 2 accurate depiction of the principal selection  
 3 process? And let me know when you're ready to  
 4 scroll or for me to scroll and I will.

5 **A. (Witness reviews document.)**

6 **Yes, it looks like it represents.**

7 Q. Okay. Have you seen this document  
 8 before?

9 **A. I believe I have.**

10 Q. Okay. And does this look like an  
 11 accurate depiction of the document that you've  
 12 seen in the past --

13 **A. Yes.**

14 Q. -- regarding the principal selection  
 15 process?

16 **A. Yes.**

17 Q. Yes, okay.

18 So, scrolling on, on the next page it  
 19 looks like this is a phased process, correct?

20 **A. Uh-huh.**

21 Q. So, there's a phase one, phase two,  
 22 phase three, phase four, correct?

23 **A. That's correct.**

24 Q. Okay. And, then, as we continue to  
 25 scroll, there's a phase one spreadsheet, this

1 **part of the process, we just -- we -- this --**  
 2 **this is a typical kind of high-level leadership**  
 3 **process that we use.**

4 Q. Okay. Who decided that you were going  
 5 to model the executive director search on this  
 6 phased process that we're looking at now?

7 **A. We did as a team. It's part of how we**  
 8 **phase our interviews.**

9 Q. Okay. When was that decision made?

10 **A. It was after the pandemic and before the**  
 11 **actual interviews.**

12 Q. Okay. And did that occur in a meeting?

13 **A. Actually, in fact, we've been using a**  
 14 **very similar process for many years --**

15 Q. Okay.

16 **-- with our executive directors, but we**  
 17 **were also clear that we were going to use the**  
 18 **same phased process for the repurpose of the**  
 19 **positions.**

20 Q. Okay. "When you say we were also  
 21 clear" --

22 **A. Uh-huh.**

23 Q. -- who is "we"? I want names.

24 **A. Sure. Chris Barnes is our chief of HR.**

25 Q. Uh-huh.

1 looks to be, with certain tasks that are  
 2 completed in phase one, correct?

3 **A. That's correct.**

4 Q. Okay. And, then, going on to the next  
 5 page, similarly for phase two, it sets out  
 6 what needs to happen in phase two, correct?

7 **A. Yes.**

8 Q. Okay. Same for phase three, correct?

9 **A. Yes.**

10 Q. Okay. And, then, the same for phase  
 11 four, correct?

12 **A. Yes.**

13 Q. Do you know who drafted this document?

14 **A. I can't tell you the owner of who**  
 15 **drafted it, no.**

16 Q. Okay. But this is a document that  
 17 you're familiar with, correct?

18 **A. Yes.**

19 Q. Is there any similar document for the  
 20 interview process for the executive directors  
 21 in Spring of 2020?

22 **A. No. But we modeled that process after**  
 23 **this phased process.**

24 Q. Who is "we"?

25 **A. Our HR team. Our chiefs that were a**

1 **A. Myself. And probably the two of us**  
 2 **mainly, that that would be the process that we**  
 3 **would follow.**

4 Q. Okay. And did you -- did someone  
 5 specifically say, We're going to model the  
 6 executive director search after the principal  
 7 selection search?

8 **A. Yes, because that's what we've been**  
 9 **doing.**

10 Q. Okay.

11 **A. That has -- that has been our -- that**  
 12 **has been our process.**

13 Q. Okay. And how was that communicated to  
 14 the individuals involved in the interview and  
 15 selection process for that job?

16 **A. Well, one, they were all aware of their**  
 17 **process because that's the process that we**  
 18 **went through as executive directors and as**  
 19 **associate or community superintendents.**

20 **And two, it's the process that they've**  
 21 **been trained on to implement for the principal**  
 22 **selection process and when they were involved**  
 23 **in the executive director selections**  
 24 **previously.**

25 Q. Okay. But how was that communicated to

1 them?  
 2 **A. Through the meeting that we had with the**  
 3 **employees who were being impacted by the**  
 4 **reorganization. Just being clear around what**  
 5 **this will look like, we will go through the --**  
 6 **the interview process again, which we're all**  
 7 **familiar with, is the phased interview process**  
 8 **within our organization.**  
 9 Q. Okay. This document that we're looking  
 10 at now is the phased principal selection  
 11 process?

12 **A. That's correct.**

13 Q. Do -- does Metro maintain just a phased  
 14 process for any position?  
 15 **A. For -- for many positions we use the**  
 16 **phase interview process. So, for instance,**  
 17 **our principals select all the teachers. They**  
 18 **do that at the school level. We encourage**  
 19 **them to also use a phased process and include**  
 20 **stakeholders.**  
 21 So, it's something that we've tried to  
 22 integrate across our -- our organization, but  
 23 I can't guarantee that all positions, again, we  
 24 have hundreds of different job titles within  
 25 our organization, but particularly for

1 **document specific to executive directors.**  
 2 Q. Okay. And the reason that people knew  
 3 that it was a phased approach was because they  
 4 just knew?  
 5 **A. No. They knew it because we talked**  
 6 **about it in advance, that we were going to**  
 7 **repurpose the position, we would go through**  
 8 **our phased interview process. And their**  
 9 **familiarity with the phased interview process**  
 10 **itself.**  
 11 Q. Okay. So, you told the people whose  
 12 jobs were being eliminated that it was going  
 13 to be the phased interview process? Is that  
 14 what you're saying?  
 15 **A. We told -- we told them they're eligible**  
 16 **for --**  
 17 Q. Okay.  
 18 **A. -- applying for other Central Office**  
 19 **positions and other positions throughout the**  
 20 **organization and that we would use our**  
 21 **standard process to select those individuals.**  
 22 Q. Okay. So, what I'm asking is not how  
 23 did you communicate to the people whose jobs  
 24 were eliminated what the phased process would  
 25 be or that there would be a phased process.

1 **principal selections, executive director**  
 2 **selections and up, we use a phased process.**  
 3 Q. Why is there such a detailed document  
 4 for the principal selection process, but no  
 5 document for the executive director selection  
 6 process?  
 7 **A. Well, part of the reason is that our**  
 8 **executive directors are the ones who helped**  
 9 **craft and build this process, so that's not**  
 10 **unfamiliar to them as -- as -- as with regards**  
 11 **to how we interview and select for our**  
 12 **candidates.**  
 13 Q. Okay. But wouldn't the criteria be  
 14 different for selecting an executive director  
 15 as opposed to selecting a principal?  
 16 **A. Not necessarily, because your executive**  
 17 **directors are supervising and coaching**  
 18 **principals, so there has to be some similarity**  
 19 **with regard to what we're looking for in those**  
 20 **roles.**  
 21 Q. Okay. But just so that I'm clear, there  
 22 is no such document that was created by Metro  
 23 as it relates to the executive director job  
 24 search in 2020, correct?  
 25 **A. At this moment I'm -- I don't recall a**

1 What I'm asking is, how did you  
 2 communicate that to the people that were  
 3 actually involved in the interview and  
 4 selection process for the executive director  
 5 job --  
 6 **A. So, the -- so, the interview --**  
 7 Q. -- not the people that interviewed. The  
 8 people that were involved in the  
 9 decisionmaking.  
 10 **A. Again, these are all high-level**  
 11 **individuals who are part of these phased**  
 12 **interviews. Part of that initial kind of**  
 13 **coming together as a panel is that we always**  
 14 **have a designee who kind of facilitates and**  
 15 **talks everyone through what the process is**  
 16 **going to look like moving forward.**  
 17 Q. Okay. So, that -- did that occur at a  
 18 specific meeting that you recall?  
 19 **A. So, for the interviewees it -- it likely**  
 20 **happened during their phased panel interview.**  
 21 Q. They talked about that it would be a  
 22 phased panel interview during the phased panel  
 23 interview, not before?  
 24 **A. So, during the phased interview, they**  
 25 **talked about your role is in this particular**

1 interview process and what happens next. So,  
 2 we do make our interviewers aware of that  
 3 process.  
 4 Q. Okay. "We make our interviewers aware of  
 5 the process." Who is "we"?  
 6 A. That is standard in our facilitation  
 7 process. So, whoever the facilitator was  
 8 would have been the one to communicate that to  
 9 those who were interviewing. And I might  
 10 remind us, that these are -- these are  
 11 individuals who interview frequently, so this  
 12 is not a brand new process to them.  
 13 Q. Okay. But you don't know who that  
 14 facilitator was that communicated it, correct?  
 15 A. It -- it is likely someone from the HR  
 16 team, but it can be designated if for some  
 17 reason there's a conflict of schedules --  
 18 Q. Okay.  
 19 A. -- or something of that nature.  
 20 Q. And you're not -- okay. And you don't  
 21 know when that was communicated, correct?  
 22 A. It is a part of the facilitation of that  
 23 phased interview process.  
 24 Q. So, what -- what I'm asking is not what  
 25 does Metro normally do --

1 superintendent process.  
 2 Q. Okay. But you did not write out a  
 3 phased interview plan the way that there --  
 4 the way that there was written out for the  
 5 principal selection process?  
 6 A. It's a part of this process. It follows  
 7 the same process.  
 8 Q. Okay. But this lists specific criteria  
 9 for principals, does it not?  
 10 A. This is specific to principals, but what  
 11 you're asking me is do -- do we have this  
 12 phased process for every role in our  
 13 organization?  
 14 No. Because once you're able to  
 15 standardize it, you know exactly what those  
 16 phases look like. So, we don't have one of  
 17 these for the hundreds of positions that are in  
 18 our school district.  
 19 Q. The executive director position is  
 20 pretty important, right?  
 21 A. It is an important decision.  
 22 Q. Okay. So, looking, for example, on the  
 23 page of the principal selection phased  
 24 interview outline that we're discussing right  
 25 now, in phase three, for example, according to

1 A. Uh-huh.  
 2 Q. -- I'm asking about in this specific  
 3 instance whether or not you know that it was  
 4 communicated to the interviewers that they  
 5 would be using a phased interview process for  
 6 the executive director role in the Spring of  
 7 2020, not what Metro normally does, not what  
 8 the process is? Specifically this instance?  
 9 A. And I will specifically respond with,  
 10 you would have to -- that will be a question  
 11 for our HR team to respond to --  
 12 Q. Okay.  
 13 A. -- because I'm not a part of the phase  
 14 one process.  
 15 Q. Okay. So, that leads to my next  
 16 question, which is: Did you decide that there  
 17 would be a phased process for the executive  
 18 director job search?  
 19 A. So, it was not necessarily a decision  
 20 point. We were in agreement that we would use  
 21 the phased interview process, because that's  
 22 what we do through our principal selection  
 23 process, through our executive director  
 24 process, and through our at the time community  
 25 associate superintendent and community

1 this document, there's certain criteria to  
 2 meet the next selection phase and it gives,  
 3 for example, part one, a case study.  
 4 "Candidate reviews school-based data and  
 5 prepares a response case study, appendix D."  
 6 I'm just reading part one under the heading  
 7 "criteria to meet next selection phase,"  
 8 correct? Is that what it says?  
 9 A. That's what it says for our principal  
 10 selection process.  
 11 Q. Okay. And that is specific to a  
 12 principal position, correct?  
 13 A. That's correct.  
 14 Q. So, this document sets forth certain  
 15 criteria that individuals need to meet that  
 16 are specific to the principal job in order to  
 17 move on to the next phase, correct?  
 18 A. For the principal-selection process.  
 19 Q. Okay. There is no such document for the  
 20 executive-director process, correct, that --  
 21 A. There is -- go ahead.  
 22 Q. -- that sets forth specific criteria  
 23 that they need to fulfill to be able to move  
 24 on to the next phase, correct?  
 25 A. I don't recall such a document for our

1 executive directors, nor do I recall that for  
 2 the other hundred positions in our  
 3 organization.

4 Q. But I'm asking about executive  
 5 directors?

6 **A. And I'm being clear about where --**

7 Q. Okay.

8 **A. -- it exists and where it doesn't.**

9 Q. Okay. That -- thank you, that was my  
 10 question.

11 Who decided that there were going to be  
 12 panel interviews for the executive director  
 13 job?

14 **A. Again, that's a part of our standard  
 15 process for these types of positions, and I  
 16 agreed that that was -- would be the process  
 17 we would follow for these new executive  
 18 director roles.**

19 Q. Okay. So, again, we're talking about  
 20 something narrow here? Not what does Metro  
 21 normally do, but who for the executive  
 22 director job in Spring of 2020 decided that it  
 23 was going to be a panel interview?

24 **A. Yeah.**

25 Q. So, it sounds -- so, name? Do you

1 **schools.**

2 Q. Okay. I'm curious about the  
 3 conversations that you had with Chris Barnes  
 4 before the panel discussions, okay.

5 So, it sounds like you and Chris  
 6 discussed that there would be a panel  
 7 interview, correct?

8 **A. That -- that we would follow our phased  
 9 interview process.**

10 Q. Okay. Which was not written down for  
 11 the executive directors, correct?

12 **A. Which models after our principal  
 13 selection process.**

14 Q. But it's a "yes" or a "no". We've  
 15 already established that it's not written  
 16 down.

17 **A. There is not a separate document --**

18 Q. Okay.

19 **A. -- for executive directors.**

20 Q. So, you and Chris Barnes had that  
 21 discussion. You and Chris Barnes discussed  
 22 that it was going to be a panel interview for  
 23 the initial round of interviews, correct?

24 **A. That it would -- there would be phases  
 25 to the interviews, and there would be an**

1 remember the name of the person that made that  
 2 decision?

3 **A. So, myself and Chris Barnes --**

4 Q. Okay.

5 **A. -- had this conversation. He was my  
 6 Chief of Human Resources.**

7 Q. Okay. Who decided who was going to be  
 8 on the panel?

9 **A. That came from our HR team, so Chris  
 10 Barnes leads that team and makes a  
 11 determination around who the panelists should  
 12 be.**

13 Q. Did you approve the panel?

14 **A. I don't recall if I -- if -- if I did.**

15 **I don't believe I was a part of the panel  
 16 selection process at all.**

17 Q. Okay. Do you know if some of the  
 18 members of the panel were not educators?

19 **A. I know -- I do know now that everyone  
 20 wasn't a certificated educator.**

21 Q. Okay.

22 **A. But it's also important that the  
 23 executive director's job include --  
 24 encompasses everything, both instructionally  
 25 and operationally, around the supports of our**

1 **initial panel interview.**

2 Q. Okay.

3 **A. And/or.**

4 Q. Chris Barnes and/or other members of the  
 5 HR team chose the panelists, correct?

6 **A. Yes.**

7 Q. Okay. When was the next time that you  
 8 heard anything about the executive director  
 9 interviews and how they were going?

10 **A. Yeah, so, the HR team, once we knew we  
 11 were moving forward with our interview  
 12 process, the HR team facilitates that. I  
 13 mean, they do it for principal selections as  
 14 well. So, they scanned the applicants to  
 15 determine the pool. They determine the panel.  
 16 They determine the dates and times. They  
 17 facilitate the panel interviews.**

18 **And then I moved in once we know we're  
 19 ready for the next phase of the interview  
 20 process.**

21 Q. Okay. So, earlier when you testified  
 22 that you and Chris discussed the scores, that  
 23 was the next time that you recall --

24 **A. That's correct.**

25 Q. -- discussing the executive director

<p>1 interview process, correct?</p> <p>2 <b>A. Yes, that's... (Respite.)</b></p> <p>3 Q. Okay. Did you have any one-off</p> <p>4 conversations before that conversation with</p> <p>5 Chris Barnes with any of the interview</p> <p>6 panelists about how it was going, their</p> <p>7 thoughts, anything like that?</p> <p>8 <b>A. No, I definitely didn't have any</b></p> <p>9 <b>conversations with any of the interview</b></p> <p>10 <b>panelists.</b></p> <p>11 Q. Okay.</p> <p>12 <b>A. It's possible that in conversation Chris</b></p> <p>13 <b>and I just talked about, like, How is it</b></p> <p>14 <b>going, you know, moving along --</b></p> <p>15 Q. Uh-huh.</p> <p>16 <b>A. -- what dates do we need to get on my</b></p> <p>17 <b>calendar. So, we probably had some general</b></p> <p>18 <b>conversations like that, but I'm not -- I'm</b></p> <p>19 <b>not part of the panel interviews.</b></p> <p>20 Q. Okay. And you don't -- do you remember</p> <p>21 specifically any of those conversations that</p> <p>22 you're describing with Chris Barnes --</p> <p>23 <b>A. Uh-huh.</b></p> <p>24 Q. -- or you're just assuming that they</p> <p>25 happened?</p>	Page 285	<p>1 <b>mission of the organization.</b></p> <p>2 Q. Uh-huh. Okay.</p> <p>3 But you don't remember telling him</p> <p>4 specifically, Make sure you ask about this, or</p> <p>5 I really want to hear about their experience</p> <p>6 about Y or Z?</p> <p>7 <b>A. Yeah, he probably -- I -- I don't</b></p> <p>8 <b>remember any specific conversations like that.</b></p> <p>9 <b>We -- we were in the process of building a</b></p> <p>10 <b>leadership framework, and we had been in</b></p> <p>11 <b>several, outside of this process, planning</b></p> <p>12 <b>sessions around what we were looking for in</b></p> <p>13 <b>our leaders moving forward.</b></p> <p>14 So, though that knowledge wouldn't have</p> <p>15 been -- he would have been unaware of kind of</p> <p>16 some of those domains and hearing conversation</p> <p>17 around what type of leaders we needed to be</p> <p>18 recruiting and retaining.</p> <p>19 Q. Okay. Did any of the people who</p> <p>20 interviewed reach out to you directly to talk</p> <p>21 about the executive director position?</p> <p>22 <b>A. I don't recall anyone specifically</b></p> <p>23 <b>reaching out to me about it.</b></p> <p>24 Q. Did you have any discussions with any of</p> <p>25 the people who interviewed, specifically about</p>	Page 287
<p>1 <b>A. I'm just assuming --</b></p> <p>2 Q. Okay.</p> <p>3 <b>A. -- that those might have happened,</b></p> <p>4 <b>because it's important for me to know when</b></p> <p>5 <b>you're going to be done with those interviews</b></p> <p>6 <b>so that I can schedule. I think everybody can</b></p> <p>7 <b>imagine what my calendar looks like --</b></p> <p>8 Q. Sure.</p> <p>9 <b>A. -- so I can schedule the number of</b></p> <p>10 <b>interviews that I was going to have to conduct</b></p> <p>11 <b>myself.</b></p> <p>12 Q. Sure.</p> <p>13 Before the panel interviews began, did</p> <p>14 you give Chris any directive about what topics</p> <p>15 you wanted covered during those interviews?</p> <p>16 <b>A. Generally speaking, no. I was clear and</b></p> <p>17 <b>I'm always clear with my chiefs that we have</b></p> <p>18 <b>to make sure that we are selecting the best,</b></p> <p>19 <b>strongest candidates --</b></p> <p>20 Q. Uh-huh.</p> <p>21 <b>A. -- for the roles. And so, my team, they</b></p> <p>22 <b>constantly hear me say that. That's not even</b></p> <p>23 <b>just specific to the executive director role.</b></p> <p>24 <b>We've gotta make sure that we have strong</b></p> <p>25 <b>leaders who can help us, again, advance the</b></p>	Page 286	<p>1 their interview, the executive director</p> <p>2 position, et cetera?</p> <p>3 <b>A. The only conversations I had would have</b></p> <p>4 <b>been in the phased interviews with myself</b></p> <p>5 <b>where I likely asked them to reflect on how</b></p> <p>6 <b>the interview went. That would have been a</b></p> <p>7 <b>common question I would have asked, but not</b></p> <p>8 <b>outside of that process.</b></p> <p>9 Q. Okay. Who decided ultimately who was</p> <p>10 going to move on to the next phased -- phase</p> <p>11 of the phased interview for the executive</p> <p>12 director position?</p> <p>13 <b>A. Yeah, so there was an initial</b></p> <p>14 <b>collaboration with myself and Chris around the</b></p> <p>15 <b>-- the kind of outcome of those interviews.</b></p> <p>16 Q. Uh-huh.</p> <p>17 <b>A. And, then, it was my responsibility to</b></p> <p>18 <b>kind of weigh and balance that out with</b></p> <p>19 <b>additional information that I have in my</b></p> <p>20 <b>disposal. Again, I've served in the District</b></p> <p>21 <b>in many capacities for many years. And</b></p> <p>22 <b>ultimately it was my decision who was moving</b></p> <p>23 <b>on to the next phase of the interview.</b></p> <p>24 Q. Okay. How long have you known Chad</p> <p>25 High?</p>	Page 288

1 A. I've only -- so, large District. Been  
 2 in this District a long time.  
 3 Q. Uh-huh.  
 4 A. I've known of him for many years, but I  
 5 had not worked closely with him until he  
 6 became an executive director.  
 7 Q. Okay. Do you know what kind of degree he  
 8 has?  
 9 A. I would imagine he would have -- that's  
 10 a tough question. Are you talking about  
 11 bachelor's, master's degree?  
 12 Q. Uh-huh. Just asking if you know.  
 13 A. Yeah. No, I -- I would just imagine he  
 14 has an administrative licensure to be in the  
 15 roles that he's been in.  
 16 Q. Okay. And he was a principal before he  
 17 became an executive director, correct?  
 18 A. That's -- that's correct.  
 19 Q. Do you know if he had ever been in  
 20 Central Office before he became an executive  
 21 director?  
 22 A. Not to my knowledge.  
 23 Q. Okay. Celia Conley was a principal at a  
 24 school that was doing poorly before she became  
 25 an executive director, correct?

1 results of that interview with me. I took the  
 2 time to -- to kind of look at some of her  
 3 information and her background to determine if  
 4 she was going to move on to the -- to the  
 5 second phase of the interviews.  
 6 So, just again, a combination of things,  
 7 you know, assessing where she was from her  
 8 previous position, what her role was, what she  
 9 had communicated that she had done and the  
 10 impacts of that, kind of leveraged all those  
 11 data points to determine.  
 12 Q. Okay. Did Chris provide any commentary  
 13 to you outside of the spreadsheet?  
 14 And let me ask that a different way.  
 15 When you and Chris met and you reviewed that  
 16 spreadsheet that we looked at earlier, did he  
 17 give you any sort of additional information to  
 18 provide some context about how certain people  
 19 performed during the interview?  
 20 A. I don't recall anything outside of that.  
 21 Q. Okay. Are you aware that there are  
 22 certain applicants that scored very highly on  
 23 the panel interview that were not chosen for a  
 24 second round interview?  
 25 A. I'm aware that the interview, the phase

1 A. I don't know that to be correct.  
 2 Q. Antioch Middle, are you familiar with  
 3 it?  
 4 A. I am familiar with Antioch Middle.  
 5 Q. Okay. And what's your impression about  
 6 how Antioch Middle was doing during 2019/2020?  
 7 A. Yeah, I do know that their status  
 8 shifted during that time, but I also know  
 9 that, I recall that there were some areas by  
 10 which they had some growth as well.  
 11 Q. Okay. When you say "status shifted",  
 12 what do you mean?  
 13 A. I think they became a priority school  
 14 around that time as well.  
 15 Q. Okay. And do you specifically recall  
 16 what areas of growth those were?  
 17 A. I do not right off.  
 18 Q. Okay. Felicia Everson-Tuggle, she was  
 19 an outside hire, correct?  
 20 A. She was an external hire.  
 21 Q. Yeah. So, what made you decide that  
 22 Felicia was going to move on to the next phase  
 23 of interviews?  
 24 A. So, as a part of the process, she  
 25 applied; she interviewed. Chris shared the

1 one interview scores were there and that was  
 2 one part of the determination on if they were  
 3 going to move -- move to phase two. And so,  
 4 that information was -- was leveraged to kind  
 5 of further inform who would move on to the  
 6 phase two interviews.  
 7 Q. Okay. What data points did you consider  
 8 when you decided who was going to move on to  
 9 this phase two of the interview?  
 10 A. Again, I have a lot of historical  
 11 knowledge with regards to performance, with  
 12 regards to kind of the culture and climate of  
 13 the district, our ability -- ability to move  
 14 and not move student outcomes in various areas  
 15 of the district.  
 16 So, all those things were considered as  
 17 a part of, and the needs of the District  
 18 moving forward. That also had to be  
 19 considered with regards to who was going to  
 20 move on to the phase two interviews.  
 21 Q. So, you considered your past experience  
 22 with individuals when you decided whether you  
 23 were going to move them on to the phase two  
 24 interview, correct?  
 25 A. It was also another component of

1 determining who moved on to the phase two  
 2 interview, where -- you know, what kind of  
 3 leader, what type of impact, skill set the  
 4 individual would bring to the District, and  
 5 the direction that we were moving in, because  
 6 it was important for me that we move forward  
 7 with a very high level of instructional  
 8 knowledge and expertise as well in this role.  
 9 And so, I had to consider where we were going  
 10 as a District as we made the final  
 11 determinations for executive directors.

12 Q. Okay. We've touched a little bit  
 13 earlier on Dr. Cathey and the grade  
 14 falsification incident. That was at  
 15 Stratford, correct?

16 A. That's correct.

17 Q. Okay. Dr. Cathey recommended that Dr.  
 18 Steele be terminated, correct?

19 A. I do not recall his specific  
 20 recommendation.

21 Q. Okay. Let me pull up a document for  
 22 you. (Attorney reviews document.)

23 So, just let me know if you can see what  
 24 I just pulled up?

25 ///

1 A. Yes.  
 2 Q. Okay. So, Dr. Cathey recommended  
 3 termination?  
 4 A. Dr. Cathey, as I stated, recommended  
 5 that you receive disciplinary action up to and  
 6 including termination based on the findings of  
 7 the internal invest -- findings of the  
 8 internal investigation.

9 So again, I would need to see the rest  
 10 of the letter, but typically that means that  
 11 there's some level of disciplinary action  
 12 coming. It could span up to termination but  
 13 not --

14 Q. Okay.

15 A. -- necessarily.

16 Q. Let me show you another document that  
 17 might help recall -- help your recollection,  
 18 refresh your recollection. (Attorney reviews  
 19 document.)

20 Now, this is a letter from Dr. Cathey to  
 21 you, correct?

22 A. Yes, it appears to be.

23 Q. Okay. And take a second and look at  
 24 that and let me know once you've had a chance  
 25 to review it.

1 A. (Witness reviews document.)  
 2 I can.

3 MR. FOX: Yes.

4 BY MS. HARBISON:

5 Q. Okay. I'm going to scroll down so you  
 6 can see that this is a letter from you,  
 7 correct? Is that your signature?

8 A. That's correct.

9 Q. Okay. And this is a letter from you to  
 10 Dr. Michael Steele, correct?

11 A. That's correct.

12 Q. And just so the record is clear, Dr.  
 13 Steele was the principal at Stratford during  
 14 the allegations of grade falsification,  
 15 correct?

16 A. He was the executive principal at  
 17 Stratford.

18 Q. Okay.

19 A. Upper school.

20 Q. Okay. And the first sentence says, "Dr.  
 21 Damon Cathey, community superintendent of the  
 22 northeast quadrant, has recommended that you  
 23 receive disciplinary action up to and  
 24 including termination based on the findings of  
 25 an internal investigation," correct?

1 A. (Witness reviews document.)  
 2 Okay.

3 Q. Okay. Does this letter help refresh  
 4 your recollection about Dr. Cathey's  
 5 recommendation as it relates to Dr. Steele?

6 A. This specific document at the end says  
 7 it was recommending action of termination.

8 Q. Okay. And just to scroll down, this is  
 9 signed by Dr. Cathey?

10 A. It appears to be, yes.

11 Q. And this is to you, correct?

12 A. That's correct.

13 Q. Okay. You did not terminate Dr. Steele,  
 14 correct?

15 A. Dr. Steele was not terminated as a  
 16 result of the final investigation review.

17 Q. Okay. And do you recall having a  
 18 conversation with Dr. Cathey where you said he  
 19 was to blame for the grade falsification?

20 A. That Dr. Cathey was to blame?

21 Q. Yes.

22 A. I recall having a conversation with Dr.  
 23 Cathey about, as I reviewed all the  
 24 documentation, and I want to remind us that I  
 25 have tons of these come through on a yearly

1 basis. But as I was reviewing it, there were  
 2 some -- there was some feedback that I had to  
 3 give to Dr. Cathey about areas of improvement  
 4 for him and -- and then following through on  
 5 this particular investigation.

6 So, there were some references he made  
 7 to conversations he had with Dr. Steele that  
 8 -- that did not come through in the  
 9 investigation. There were some follow-up  
 10 points that Dr. Cathey and I talked about that  
 11 was not all the way seen through.

12 And so, we did have some conversations  
 13 about his supervision of the school to make  
 14 sure that these particular allegations were  
 15 progress monitored all the way through the  
 16 school year and not a result of what happened  
 17 at the end of a school year.

18 Q. Okay. Do you recall specifically, not  
 19 generalities, but specifically what you told  
 20 Dr. Cathey, what feedback you gave to Dr.  
 21 Cathey?

22 A. I told Dr. Cathey that I was reviewing  
 23 all of the information that I was provided and  
 24 there were some questions that I still had  
 25 about the supervision of what was happening

1 A. No. Again, this was specific feedback  
 2 that I was giving to Dr. Cathey as a result of  
 3 this investigation, and as I was considering  
 4 all the pieces of evidence that were provided  
 5 to me.

6 Q. Okay. But Dr. Steele was the principal  
 7 at the school where the grade falsification  
 8 occurred, correct?

9 A. That's correct.

10 Q. Okay. And are you aware that that is a  
 11 misdemeanor, grade falsification?

12 A. I'm aware that we investigated the sit  
 13 -- situation and did all of our appropriate  
 14 reporting in order to fully investigate the  
 15 situation at hand.

16 MR. FOX: Objection to the form.

17 BY MS. HARBISON:

18 Q. Okay. But are you aware that it's a  
 19 misdemeanor?

20 MR. FOX: Objection.

21 BY MS. HARBISON:

22 Q. That's a "yes" or a "no"?

23 MR. FOX: Objection to the form.

24 THE WITNESS: Again, I'm aware that  
 25 we went through our investigative process and

1 and his role in progress monitoring and  
 2 providing feedback to the principal.

3 Q. Okay. And sorry, I'm having a hard time  
 4 following.

5 So, you told Dr. Cathey --

6 A. Uh-huh.

7 Q. -- that he should have done something.  
 8 What was that?

9 A. So, specifically, it was around the area  
 10 -- could you -- could you scroll down just a  
 11 little bit?

12 Q. Yep. (Attorney complies.)

13 A. So... (Witness reviews document.)

14 So, a part of this was, 'cause I  
 15 consulted with Dr. Cathey around this a few  
 16 times, just the -- the -- the rules around  
 17 ingenuity, when it could be used and how he  
 18 could progress monitor to make sure that the  
 19 -- that this particular school was assigning  
 20 students appropriately and was making  
 21 significant progress with their credit bearing  
 22 courses.

23 Q. Is that documented anywhere in a written  
 24 or verbal, like in a memo, a written warning,  
 25 anything like that?

1 reported it as such so that things could be  
 2 investigated fully.

3 BY MS. HARBISON:

4 Q. So you're not aware that it's a  
 5 misdemeanor?

6 A. I'm aware that we went through our  
 7 investigative process.

8 Q. Okay. It's a "yes" or a "no".

9 A. Again, I'm aware that we went through an  
 10 investigative process. I would have to rely  
 11 on our HR department around any other  
 12 information that would be layered onto that  
 13 specific allegation.

14 Q. Okay.

15 MS. STEINER: Just for the record, I  
 16 think she's entitled to a response.

17 MS. HARBISON: Yeah.

18 MS. STEINER: And she's not. She's  
 19 hitting all around the world, but she's not  
 20 responding. It's a simple question.

21 Do you know that that's a violation  
 22 of the criminal laws, "yes" or "no".

23 MR. FOX: Well, I objected because  
 24 it's -- it calls for a legal analysis.

25 MS. STEINER: It's not -- it's not

1 legal. That's like saying, murder. Do you  
 2 know murder is a violation of the criminal  
 3 laws? Some of the things are so common.

4 That's what she's asking. Do you  
 5 have a common layman's knowledge that that's a  
 6 violation of the criminal laws.

7 MR. FOX: Okay. Common layman.

8 Okay.

9 MS. STEINER: And I think we're  
 10 entitled to that.

11 MR. FOX: All right. Well, ask --  
 12 ask that again.

13 BY MS. HARBISON:

14 Q. Yeah. Do you know whether or not grade  
 15 falsification is a violation of Tennessee law?

16 **A. I realize that certain situations can  
 17 rise to a violation of the law.**

18 Q. And Dr. Cathey is the one that reported  
 19 this up to you, correct?

20 **A. I believe I received this report from  
 21 Dr. Cathey.**

22 Q. Okay. Because he was concerned about  
 23 it, correct?

24 **A. Again, I can't speak for Dr. Cathey. He  
 25 did bring this to my attention, and of which I**

1 **superintendents to focus more on a specific  
 2 tier. So, associate superintendents were  
 3 assigned by elementary, middle, and high  
 4 school.**

5 Q. Okay. Let me make sure that I've got it  
 6 -- clean this up a little bit.

7 MS. HARBISON: Did I make the phased  
 8 process Exhibit 15? What's the last numbered  
 9 exhibit?

10 THE REPORTER: The last one is 14.

11 MS. HARBISON: Okay. So, can I --  
 12 and what was that, the budget?

13 THE REPORTER: The budget.

14 MS. HARBISON: Okay. So, can I make  
 15 that phased principal process Exhibit  
 16 Number 15, please.

17 (WHEREUPON, a document was marked as  
 18 Exhibit No. 15.)

19 MS. HARBISON: The Dr. Battle,  
 20 June 21st, 2019, letter to Dr. Steele  
 21 Exhibit 16.

22 (WHEREUPON, a document was marked as  
 23 Exhibit No. 16.)

24 MS. HARBISON: And the June 7th  
 25 letter from Dr. Cathey to Dr. Battle

1 **asked for us to go ahead and investigate and  
 2 to look into it.**

3 Q. Okay. What is the difference between a  
 4 community superintendent and an associate  
 5 superintendent? I just want to make sure the  
 6 record's clear, because I think sometimes  
 7 we've been referring to them interchangeably --

8 **A. Uh-huh.**

9 Q. -- throughout the deposition.

10 **A. So, for about two or three years --**

11 Q. Uh-huh.

12 **A. -- there was a layer of supervisory --  
 13 of our supervisory model. We had community  
 14 superintendents, what -- which refers to high-  
 15 level leadership within the District that is  
 16 focused on supporting quadrants of schools,  
 17 regardless -- excuse me, regardless of the  
 18 tier.**

19 **And so, community superintendents  
 20 supported from pre-K all the way through high  
 21 school.**

22 Q. Uh-huh.

23 **A. And the adjustment then came where we,  
 24 and through lots of feedback and data points  
 25 that we adjusted it to associate**

1 Exhibit 17.

2 MR. FOX: No objection.

3 (WHEREUPON, a document was marked as  
 4 Exhibit No. 17.)

5 BY MS. HARBISON:

6 Q. Did you and Dr. Cathey become community  
 7 superintendents at the same time?

8 **A. We did.**

9 Q. Okay. Did Sito Narcisse make the  
 10 decision as to who to promote to the community  
 11 superintendent role?

12 **A. That process was a phased process as  
 13 well.**

14 Q. Okay.

15 **A. So, we went through two phases of  
 16 interviews, and the Director of Schools made  
 17 that final decision.**

18 Q. Okay. And that was Shawn Joseph at the  
 19 time?

20 **A. That's correct.**

21 Q. Okay. Do you know that when Dr. Cathey  
 22 was promoted to community superintendent, the  
 23 letter specifically cited his, quote,  
 24 Excellent leadership skills and relationship  
 25 building?

<p style="text-align: right;">Page 305</p> <p>1 A. I'm not aware of any --</p> <p>2 Q. Okay.</p> <p>3 A. -- particular personal letter that went</p> <p>4 to Damon.</p> <p>5 Q. Okay. Do you know that Dr. Cathey was</p> <p>6 named Supervisor of the Year by the Tennessee</p> <p>7 Principal's Association in 2019?</p> <p>8 A. I think I recall that. And again,</p> <p>9 that's an external organization to Metro</p> <p>10 Nashville Public Schools.</p> <p>11 Q. Okay. And that Dr. Cathey's been a</p> <p>12 leader at his church since 1993?</p> <p>13 A. I'm unaware of his personal leadership</p> <p>14 roles.</p> <p>15 Q. Okay. Dr. Cathey has over 25 years</p> <p>16 experience in public education. Does that</p> <p>17 sound right to you?</p> <p>18 A. That sounds --</p> <p>19 Q. Okay.</p> <p>20 A. -- fair.</p> <p>21 Q. He's been an assistant principal; do you</p> <p>22 know?</p> <p>23 A. I believe he was assistant principal.</p> <p>24 Q. Okay. And he's been a principal, right?</p> <p>25 A. Yes. He's been a principal.</p>	<p style="text-align: right;">Page 307</p> <p>1 MR. FOX: Yeah.</p> <p>2 MS. HARBISON: Yeah.</p> <p>3 MR. FOX: Off the record. We can</p> <p>4 take a break.</p> <p>5 MS. HARBISON: Yeah.</p> <p>6 THE VIDEOGRAPHER: We are off the</p> <p>7 record at 4:08 p.m.</p> <p>8 (Short break.)</p> <p>9 THE VIDEOGRAPHER: We are on the</p> <p>10 record at 4:12 p.m.</p> <p>11 MS. HARBISON: Okay.</p> <p>12 BY MS. HARBISON:</p> <p>13 Q. Dr. Battle, we're just about done.</p> <p>14 Are you aware of any write-ups in Jane</p> <p>15 Doe's file?</p> <p>16 A. Again, I'm not her direct -- I wasn't</p> <p>17 her directed supervisor, so I'm unaware of</p> <p>18 that information.</p> <p>19 Q. Okay. So no, correct?</p> <p>20 A. Correct.</p> <p>21 Q. Okay. So, I'm going to ask you a couple</p> <p>22 questions similar to that, and what I'm asking</p> <p>23 is whether you personally, Dr. Battle, whether</p> <p>24 you are aware, okay?</p> <p>25 A. Okay.</p>
<p style="text-align: right;">Page 306</p> <p>1 Q. He's been an executive principal?</p> <p>2 A. Principal and executive principal are</p> <p>3 the same thing.</p> <p>4 Q. Okay. He held the executive director</p> <p>5 position, as a matter of fact, in the past,</p> <p>6 correct?</p> <p>7 A. That's correct.</p> <p>8 Q. He was a community superintendent and he</p> <p>9 was an associate superintendent, correct?</p> <p>10 A. Community and associate are very</p> <p>11 similar.</p> <p>12 Q. Okay. But they're not the same,</p> <p>13 correct?</p> <p>14 A. That's correct.</p> <p>15 Q. Okay. Are you aware of any write-ups in</p> <p>16 Dr. Cathey's file related to his performance?</p> <p>17 A. I'm not personally aware of write-ups in</p> <p>18 his file.</p> <p>19 Q. Okay.</p> <p>20 MS. HARBISON: I think I may be done</p> <p>21 if you want to get to the other one.</p> <p>22 MS. STEINER: Hang on one second.</p> <p>23 MS. HARBISON: We might --</p> <p>24 MS. STEINER: Could we talk for</p> <p>25 just a second?</p>	<p style="text-align: right;">Page 308</p> <p>1 Q. Are you aware of any disciplinary</p> <p>2 actions against Jane Doe?</p> <p>3 A. No.</p> <p>4 Q. Okay. Are you aware of any write-ups in</p> <p>5 Dr. Bailey's file?</p> <p>6 A. I personally am not aware.</p> <p>7 Q. Okay. Are you aware of any disciplinary</p> <p>8 actions against Dr. Bailey?</p> <p>9 A. I'm personally not aware.</p> <p>10 Q. Okay. Are you aware of any write-ups in</p> <p>11 Lily Leffler's file?</p> <p>12 A. I am personally not aware.</p> <p>13 Q. Okay. Are you aware of any disciplinary</p> <p>14 actions against Lily Leffler?</p> <p>15 A. I'm personally not aware.</p> <p>16 Q. Okay. Are you aware of any write-ups in</p> <p>17 Pippa Meriwether's file?</p> <p>18 A. I'm personally not aware.</p> <p>19 Q. Okay. Are you aware of any disciplinary</p> <p>20 actions against Pippa Meriwether?</p> <p>21 A. I'm personally not aware.</p> <p>22 MS. HARBISON: Is that all?</p> <p>23 (Conference between co-counsel.)</p> <p>24 BY MS. HARBISON:</p> <p>25 Q. Have you answered all of our questions</p>

1 truthfully today?

2 **A. Yes.**

3 Q. Okay.

4 MS. HARBISON: No further questions.

5 MR. FOX: Okay. I guess we're done.

6 The witness would like the opportunity to read  
7 and sign. Thank you.

8 THE VIDEOGRAPHER: This concludes  
9 this deposition. The time is 4:13 p.m.

10 (An off-the-record discussion was  
11 held.)

12 THE REPORTER: Ann, is two weeks  
13 okay, or will you need this transcript sooner?

14 MS. STEINER: Oh yeah, two weeks is  
15 fine.

16 MS. HARBISON: And I'll order a copy  
17 of these.

18 THE REPORTER: Okay. Brooks, are you  
19 going to need a copy as well?

20 MR. FOX: Yes.

21 THE REPORTER: Okay.

22 FURTHER DEONENT SAITH NOT

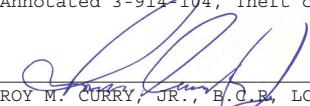
23 (Proceedings concluded at 4:13 p.m. CST.)

1 REPORTER'S CERTIFICATE

2 STATE OF TENNESSEE  
3 COUNTY OF WILLIAMSON

4 I, Roy M. Curry, Jr., court reporter,  
5 with offices in Franklin, Tennessee, hereby  
6 certify that I reported the foregoing video  
7 deposition of DR. ADRIENNE BATTLE by machine  
8 shorthand to the best of my skills and  
9 abilities, and thereafter the same was reduced  
10 to typewritten form by me. I am not related  
11 to any of the parties named herein, nor related  
12 to their counsel, and have no interest,  
13 financial or otherwise, in the outcome of the  
14 proceedings.

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1 C E R T I F I C A T E

2 I, DR. ADRIENNE BATTLE, having read the  
3 foregoing deposition, Pages 1 through 309, do  
4 hereby certify said testimony is a true and  
5 accurate transcript, with the following changes  
6 (if any):

7 PAGE LINE SHOULD HAVE BEEN

8 \_\_\_\_\_  
9 \_\_\_\_\_  
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20 \_\_\_\_\_

DR. ADRIENNE BATTLE

21 \_\_\_\_\_  
22 Notary Public

23 My Commission Expires: \_\_\_\_\_

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